OPERATIONALISATION OF ADMINISTRATIVE REFORMS: A CASE STUDY OF JAMMU AND KASHMIR

ABSTRACT

THESIS SUBMITTED FOR THE AWARD OF THE DEGREE OF

Doctor of Philosophy

IN

POLITICAL SCIENCE

By

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ALIGARH MUSLIM UNIVERSITY
ALIGARH (INDIA)

2004
ABSTRACT

The broad outline of this thesis can be said to be based on the developments made in the Indian administration in general and the administration of the state of Jammu and Kashmir in particular. Although both have varied patterns in their levels of governance but the basic concept of governance remains the same. In the present work VI chapters form the basis of a study of framework of administrative reforms with special reference to Jammu and Kashmir.

Chapter 1 deals with the concept of the administration and its importance in the development of socio-economic and political aspects. By way of comparative analysis of the ways of governance facts are to be checked with other systems. The basic aim of better governance is the main motto of every form of administration but the ways to reach the goal are varied. Administrative thinkers working on this field have brought out a lot of change through their research.

Reform initiatives established by way of Administrative Reform Commission since 1965 and the reforms established during the pre-independence period bring to light the present form of governance and its historical background. Need of the administrative reforms in the present context demands that instead of setting up of committees and commissions for recommendations which are not being implemented on the practical grounds because of delays created by way of political
and administrative misconception, action should be taken. Recommendations given by reform initiatives through the Administrative Reform Commission are varied in number. The need now is to operationalize them.

In chapter II, administration in relation to law and its effects on the governance has been analysed. The positive and negative effects of the law on the government in implementing reforms is discussed. In the rule of the kings, the system of favoritism by way of gifts for governors or rules in power resulted in favoritism or nepotism. This in the later stage of history, changed to the ‘white-collar criminalisation’, as bureaucracy once termed positively to bring transparency by way of their work changed into ‘bureaumania’ – an illness which is the main cause for the citizens grievances.

Chapter III studies public accountability in administration and ways adopted to curb the corruption-causing practices through redressal committees. It looks at Ombudsman like institutions, conduct rules, vigilance committees established to bring accountability and transparency in the governance.

Technological innovations in the field of administration can limit the time, cost and space of the long pending cases of disposal. Manual techniques of files and papers which changed into the computerized e-governance can result in the proper and timely implementation of reform initiatives. People participation is a must to bring in accountability in administration.
In the state of Jammu and Kashmir, Accountability Commission Act had been passed in 2003, which is being implemented on the departmental basis. However, it is circulated only on paper but not implemented on practical grounds. Legal reforms need to be implemented, on the all-India basis through the conduct rules. Political interference in the law and administration hinders the public accountability. Misuse of power at different levels of the hierarchy of administration whether at clerical or official levels, brings the accountability to a standstill.

Vigilance committees redressal of grievances at the departmental levels helps to nip the problem in the bud at its initial stage. The Lokpal and Lokaykta bill of 1968, although till present is not passed is given a different shape as Accountability Bill. However, the main task of implementation still remains to be undertaken.

In chapter IV, historical aspect of the administration of Jammu and Kashmir along with the central administration is analysed. Dogra rulers the founders of the state of Jammu and Kashmir as a single unit had a great impact on the administration of the state. Although foreigners ruled the state the political dominance was always of different sects and religious groups within the state. Hence the state faced different forms of administration, Hindu kings, Muslim rulers like Mughals, Sikh rulers as Dogra and Britishers. But in 1846, Dogra ruler, Gulab Singh compressed the three different
divisions of Jammu, Kashmir and Ladakh as single entity of the state of Jammu and Kashmir. Later on the partition of India and Pakistan brought Jammu and Kashmir under the instrument of accession to India which later on led to the cold war between India and Pakistan. Although the administration of Jammu and Kashmir is under its own constitution but the state administration works under the central administration of India. The form of governance being based on the democratic norms under Art 370 compares the administration of Jammu and Kashmir with Indian states.

Chapter V deals with administrative reforms in the state of Jammu and Kashmir. Though various committees have been formed but their proper implementation is not done. Moosa Raza Committee to bring to book the reform measures through recommendations in the state of Jammu and Kashmir was established in 1996, but to no avail because of lack of implementation till the present Peoples Democratic Party – Congress led coalition government. The recommendation if implemented on the proper time, could have brought major reform strategies in focus with developmental upliftment of governance. Such reform initiatives need timely action and proper distribution among the departments and fields concerned so that implementation may occur. Decentralization of power needs to be brought into focus, so that there is implementation at ground levels. In the state of Jammu and Kashmir the decentralization was not given importance, however in the present system, the elections of Panchayati Raj bodies have been
considered. Although the Municipal Corporation Act has been formulated in 2000, however there has been a wide gap in its implementation, as elections to their positions is still not done to bring their body to life. Many such reform initiatives were brought in the history of administration but have no importance, as their implementation was not done in time.

Chapter VI discusses how administration has to focus its reform initiatives to make its working transparent and citizen-friendly. The problems are analysed from different angles to make it easy to search for remedies. Reform initiatives bring these aspects into focus through suggestion and recommendations. Accountability in the system of governance can be brought by making law and order responsible to the people, through various strategies. These reform initiatives need well established balance between the hierarchical levels of administration, both at local and urban levels. Issues brought in focus cannot although be categorized as their number is vast and varied. However to certain limit they have been distributed in four aspects:

1. Civil service responsiveness
2. Decentralization of power
3. Accountability and transparency
4. Citizen friendly approach

Civil Service responsiveness brings in focus the main issues a civil servant has to face and what society has to face in
reverse. New initiatives need to be taken to overcome the problems. Innovative techniques like PERT, MIS, need to be adopted to bring proper implementation of work functionaries still their operationalisation at the ground levels is a must.

Decentralization of power for effective results is one of the basic requirements. The ground realities have to be taken into focus which bind the higher hierarchy. The village- district- state- centre link must find the proper chain of co-ordination to make their working effective. Local role of the working groups as a source to improve the administration at ground levels is must. They better understand the problems faced by their respective fields and know how to tackle these problems in a better way. However, the official interference from the elite brings to a standstill the operationalisation of their functions. Red-tapism causes the reform process to come to an end even before it is being brought to action. Bureaucratic malpractices cause hindrance in such processes.

Hence, need arises of bringing accountability and transparency in administration. Malpractices like corruption, red-tapism, formalism, nepotism need to be rooted-out so that there is transparent administration and better governance. Grievance Redressal Cells, Vigilance Committees, other such bodies have been setup to bring transparency in the administration. Law needs proper orientation to bring into account these malpractices and bring to book the negative
elements of the administration. Vigilance Committees have been set for the task, which needs timely implementation.

Reforms in the administration hence need to be given preference to bring stability and equilibrium at different levels. Social awareness as well as administrative response is a must to have good governance. Indian administration in general and the administration of the state of Jammu and Kashmir in particular need proper balance in improving the ways of administering so that there is good relation between centre and states. Implementation of recommendations of reform committees and commissions within the specified time can prove effective in curbing malpractices of administration.

In an address, to the jury at a communist trial in Chicago in 1920, Clarendes Darrow, stressing on reforms said, ‘As long as the world shall last there will be wrongs and if no man objected and no man rebelled, those wrongs would last forever’.*

* [Deena Weinstein, ‘Bureaucratic Opposition – Challenging Abuses at the Work Place’ Pergamon Policy Studies, USA, 1979, p-1.]
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This is to certify that Ms. Sofora Ajaz has completed her thesis entitled "OPERATIONALIZATION OF ADMINISTRATIVE REFORMS: A CASE STUDY OF JAMMU AND KASHMIR" under my supervision and is, to the best of my knowledge an original contribution and suitable for award of the Degree of Doctor of Philosophy in Political Science of Aligarh Muslim University.

(Prof. Mirza Asmer Beg)
Supervisor
Dedicated

to

My

Grand Father
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PREFACE

Administration, needs social and economic developmental schemes to make it effective and worthy to work. Implementation of reform initiatives for the better governance is a must and needs enhancement of resources, so that they are utilized on proper footings. Work procedure along with work load need equilibrium, for better maintenance of social balance.

Administration is one such thing which needs reforms. Administrative reforms have been taking place since long. Reform initiatives like in the chief Ministers conference were implemented at the state level as well as centre-level. This requires centre-state relations to be improved to make proper implementation of these initiatives. At the union level, the Chief Minister's conference, committees on centre-state and other such reform committees and their reports have been published through department of Administrative Reforms & Public Grievances. However, its implemented is still a question which begs an answer.

In states, these reports under the Chief Secretary's conferences have been established. Like in the state of Jammu and Kashmir, Moosa Raza committee report has been established but since 1990's it has not been implemented. Hence, there is no question to find lacuna in the reports and committees but need arises of having practical implementation of these reports, so that there is enhancement in the socio-economic development of the nation as a whole and the state of Jammu and Kashmir in particular. As the state is being deprived of the basic amenities since the last decade, to counter such an equilibrium, one needs to strengthen these reform initiatives to make better avenues for the development and enhancement of the state’s normalcy.
Enquiry committees, established to curb corruption have only led to the wastage of time and money on such committees. Even if the acquitted one was found guilty, his jail term was more pleasant than what a middle class person had in his daily life. In other way, need to implement the reform initiatives arises to avoid overlapping of rules and regulation through many reforms and recommendations. The present topic is being distributed among six chapters, each dealing with different aspects of administration.

In the first chapter, introduction to the administration from its historical inception has been taken. This overview of administration briefly describes the way administration is to be done in the Indian society. Reform committees formed to bring reforms in administrative fields like Administration Reforms Commission (ARC) in 1966 were established to formulate reforms in different aspects of administration. Department of Administration reform and Public Grievances was established to sort-out the problems of reforms. Similar reform committees and commission have given their recommendations.

The system of more work for more wages exists in these systems while in government offices it is different, less work at less wages. The former leads to the efficiency of work with the work satisfaction bringing more of progress in work. New techniques and innovative tools bring progress in the administrative function. Reform initiatives have been done on a large scale but improper implementation has resulted in wastage of their formulation. These initiative need timely implementation, otherwise their importance is wasted and need arises of formulation of another committee according to the requirements of the times.
Law forms an essential part of the administration. It influences the civil servants through the code of conduct and Business Rules. To bring accountability in the administration these set of rules have to be followed. Public accountability is needed to have equivalence of the work order. Accountability committees are established to give broad overview of rules and laws and recommend reforms in the administration. These reform committees are established at the state as well as central levels. In various departments also, these committees are established to bring accountability and transparency according to the need of the system concerned.

Reform initiatives during the various times, give only the space for more and more complication in the governance. With the increase in the number of recommendations there is increase in the ways of implementing them. Hence change in the system of administration, rules and regulations change with the change in recommendations hence bringing public accountability to a fix.

Malpractices in the administration can be curbed by way of formulating and implementing these recommendations. Corruption forms one of the main sources of bringing administration to the level of destruction leading to inefficiency in governance. Bureaucratic malfunctioning like red-tapism, circumlocution, nepotism have become the basis for governance without which the system of administration cannot function. To overcome the grievances caused due to these malfunctions, redressal committees have been set-up. Various Ombudsman cells have been established in departments to overcome the grievances. Vigilance committees to put the vigil on these committees are a must and put the law and order into practice. Hence reform committees to bring
accountability and transparency in administration is the basic need of the hour.

In the states, administrative reforms have been formulated through various committees. The state of Jammu and Kashmir in terms of laws and regulations has established its system of administration. The government of the state having foreign influence works under the system having multidimensional values. Historical review of the state's administration reveals its own character of governance, under the influence of Indian administration. After the merger with India, the administration of the state is similar or based on the facts and values of the Indian system of governance. Administration of the state of Jammu and Kashmir is based on the centre-state relation of the Indian state. Various conferences have been conducted between centre and states to improve the administrative relations. The chief Ministers conference and the Chief Secretaries Conference are having importance, due to their role in building the relations and improving the efficiency of governance. The implementation of the recommendation and suggestion of these committees and conferences still hangs in balance.

Many committees at the state level were set-up after the conferences of centre-state relation to implement their reforms. Moosa Raza committee being one such reform committee established in 1996. However since its formulation, change of governments has resulted in lack of implementation of the recommendations of such report. In a similar way Master Plan to develop the capital city of the state-Srinagar needs to be implemented. Other such committees and plans were formulated right from the existence of the state of Jammu and Kashmir as a single entity, under different rulers.
Single line reform was established in 1976, which is still not implemented on all levels. Sheikh Abdullah implemented decentralization of power in the state of Jammu and Kashmir after the time of annexation with India but it still lags implementation on practical grounds, although every forth-coming government in power is initiating it formally. Municipal corporation Act 2000 has not been given due importance because of delay in elections. Moosa-Raza report has got no importance in the present Peoples Democratic Party (PDP) congress coalition government 30 point Common Minimum Programme (CMP). Hence reform initiatives set-up in the state have not been given due importance.

Reform committees and commissions recommendations are not different from their previous recommendations. There is a slight change of words – whether you approach the problem from end or from the beginning; the aim is to solve the problem. This can be termed as wastage of time and money.
ACKNOWLEDGEMENTS

Allah, the eternal has surely blessed me with this great opportunity to thank all those who helped me in completing this thesis.

I wish to thank my supervisor, Dr. Mirza Asmer Beg, Professor, Department of Political Science, AMU whose support, inspiring guidance and constant encouragement made me accomplish my work. My special thanks to Dr. M. Murtaza Khan, Chairman, Department of Political Science, AMU for encouraging me.

May peace be bestowed on the departed soul of Late Peerzada Manzoor Ahmad, Professor, Institute of Management and Public Administration (IMPA), Kashmir, who inspired me to work on this topic.

I owe my indebtedness to my parents Prof. Showkat Ajaz Keen and Mrs. Mahbooba Keen with special thanks to my brother Mr. Saqib Ajaz who have acted as greatest source of inspiration and backbone in facing the challenges during my work. My special thanks to Mr. Mohi-ud-din Mir, Mrs. Mahmooda Mir and Mr. Mir Saqib who believed in my work and supported me morally.

Special thanks are due to my grandfather, Mr. Mohd. Shafi Qureshi, who has always stood with me like a pillar of strength.

I have received a number of comments and suggestions from many well wishers and it is not possible to acknowledge their names
individually. My grateful thanks are due to Late Mr. Nizamud-din-Qureshi, Mr. M.Y.Qadri (Ex. Revenue Advisor, J&K), Mr. Shafqat Bukhari (Journalist), A.K.Raina (Add. Secretary ARI & Training Department J&K), Mr. Jaleel Ahsan, Miss Talat Z. Qamry, Mr. Adil Masroor, Mr. & Mrs. Farooq Dar, Research Scholars and non-teaching staff of my Department, specially Qamar Bhai and all my friends and roommates, whose valuable guidance led me to the completion of this work.

I express my thanks to the staff of Maulana Azad Library, AMU; Iqbal Library, Kashmir University; Central Library, Jammu; Indian Institute of Public Administration, Delhi; General Administration Department and Administrative Reforms Information and Training Department, Secretariat of Jammu and Kashmir; Information Office, Kashmir; Planning and Statistics Department, Kashmir.

I would be failing in my duty if I fail to express my inexplicable gratitude to my relatives and friends for their motivation and constant encouragement.

I express my gratitude to my typist and printer, Mr. Haroon and Mr. Tariq whose understanding and co-operation helped a lot in the preparation of this thesis.

Sofora Ajaz
CHAPTER I
ADMINISTRATION AND REFORM INITIATIVES

Since the time of Woodrow Wilson (1880) researchers across the globe started taking deep interest in the research work of public administration to devise innovative methods of governing mechanisms. As a result of this thinking process different concepts of public administration were put forward by different thinkers to focus on the study of the subject and make in depth study of the discipline of public administration. There has always been a shift in techniques from one form to another to tackle the administrative problems. This gap in the administrative mechanisms is due to the generation gap.

While discussing public administration as the co-ordination between the organized activities to implement the public policy stress has been laid on the implementation of the policies. As for better operationalisation of work the better coordination, directing and managing of public affairs creates a conducive atmosphere. Novel methodologies are tried and tested to reduce the level of dissatisfaction in the operationalisation of socio-economic transformation process, which sensitizes the people about scope and importance of basic social amenities like education, health services, safe drinking water facilities, sanitation, public distributing system and the like. That is why Ackoff preferred to say, “A government cannot develop a country; it can only help its country to develop".1

American Administrative System

In American system of public administration, the period of 1883-1906 is considered to be the reform period. It targeted
various levels from government policies at national level as civil
service reforms and at local level; the reforms were at commission
and council or managerial levels. Enhancing the scope of public
administration on a large scale on the grounds of W. Wilson's
report of "The Study of Administration" and Goodnow's
publication of 'Politics and Administration' and discarding the
politics in the civil services L. D. Whites first book on public
administration stressed on managerial part of administration than
on judicial or law making parts of administration. Thus
bureaucrats were responsive and accountable for keeping
government under proper working conditions.

For innovation in different techniques of administration,
administrative procedures have been set up under Administrative
Conference Act of 1964. Further, the civil servant is man oriented
rather than job oriented. Various sects have been differentiated in
American system of government:

- The corporate involving the functions of the shareholders,
- The union involving the workers,
- The Government involving the citizens.

In corporate bodies, municipalities function to form
association as in Figure 1. Figure 2 shows the union having
divided powers, as is for federal form of government. Figure 3
shows the executive form of country having parliamentary system
to govern the basic criteria in this system.

The policy of comparative public administration brings a
major shift in the US foreign aid programmers, thus enhancing the
developmental efforts by training and technical assistance to bring
reforms in the administration. To institutionalize the formal
Chapter I

Figure 1 Association/employment hierarchy, corporate.

Figure 2 Association/employment hierarchy, government with separated powers.
administrative control, independent agencies perform the functions such as bureaucracy is headed by the office of management and budget. Thus comparative public administration focused on micro-institutionalization to sort out the problem of administration ignoring the economic development of middle classes.

![Diagram of Association/employment hierarchy, parliamentary form.](image)

**British Experience**

Reform period in Britain initiated in 1960s was represented by the labour party (1964-70). To define the features of civil services of Britain, the Fulton committee recommended a generalist concept in 1968. This concept introduced the hierarchy in the personnel system of administration by replacing the specialist with a generalist. To develop this system civil service department and civil service college were set up in 1970s. Thus
administrative as well as reforms in other fields got boost as health services, local government, and state owned water industry and central government departments. White Paper was published by the conservative government of Edward Heath in October 1970 to bring forth a set of administrative reforms. The two point reform included the introduction of a process called:⁵

- Programme analysis review (PAR).
- Central policy review staff (CPRS).

PAR, was introduced to make the American system of PPBS involved in the budgetary system, thus improving the quality of the decision-making within government. While CPRS was concerned with the treasury and was related to the individual tendency of the departments to fulfill the objectives and strategy of government. PAR studies to analyze the reviewing programmes of the departments were not satisfactorily implemented in 1979 during Margaret Thatcher’s rule. However CPRS has survived to adopt its importance in the cabinet office to help the Prime Minister and her colleagues to analyze administrative problems in Britain revealing it as the main administrative reform of the late 1960s and early 1970s.⁶

The administrative reforms in the later phase started with the decrease in the expenditure of the government utilities, resulting in the reduction in the size of the hierarchical order of the civil services in 1984. By April 1979 this reduction was of 10% until in July 1982 it was reduced by 14% while for some individual departments the reduction was of 25%.⁷

Audit commission set up for analysis and review of programmes of departmental activity revealed increase in the
savings of £330 million a year by July 1982. Hence the system of Ministerial Information System i.e. MINIS was introduced to minister the activities of the departments.

Thus in the process of operationalisation of administrative reforms, initiatives taken in 1960s by establishing the Civil Service Department and Civil Service College concluded by abandoning the Civil Service Department in November 1981 to reduce the cost of civil services. In the process of reform initiatives, establishment of hierarchical order for better governance and then reduction in the hierarchical order to reduce the expenditure on civil services was aimed in the British governance. However, the government cannot be judged by its size or management of hierarchy but by calculating the net resultant of implementation.

Indian Administrative System

Due to untimely implementation of work functions and improper coordination among the administrators and the citizens, the administrators have been termed as bureaucrats. This term of abuse coined by Vincent de Gourdney is considered as illness in France which bids fair to play havoc with us, this illness is called ‘Bureaumania’. In the allocation of Business rules, central government is made directly responsible for over 2000 items of work although state government are directly responsible for both developmental and regulatory authority.

In India this illness has started right from the British system of civil services. Indian administration is still limited to regions. Although transparency and accountability was the outcome of British system, but without procedural and administrative
methodologies in public administration, it could not see the light of the day. In an effort to introduce transparency and accountability, almost 50 reports were drafted from 1969-73 and reform initiatives were incorporated in five-year plan period documents. The resolution under which the commission of Administrative Reforms Commission was first setup on June 5th 1966, enjoined on to give consideration to the need for ensuring the highest standards of efficiency and integrity in the public service and for making public administration a fit instrument for carrying out the social and economic policies of the government and achieving social and economic goals of development, as also one which responsive to the people. In India, majority of people are not even touched as no developmental progress has reached them, they are left as they were before independence.

Administrative process has not changed since times immemorial. The red tapism has restricted the administrative implementation of reform initiatives identified in the stipulated time. The grey areas can be identified and subsequently appropriate mechanisms can be devised to ensure effectiveness in implementation process. As such solutions to the problems can be designed to ensure accountability and transparency within the same administrative set-up. The process is expected to lead to a paradigm shift in proper implementation of the reform initiatives. Thus, a system of checks and balances is obviously the most suitable remedial measure, which will most precisely convince people to have a sense of accountability.

Influence on Indian society

India is known for its diverse social set-up and distinct cultural affinities. Since culture is determined by religion, so it
inevitably pays a dominant role in shaping the future of the nation. History is witness to the hard reality that excavations bring to light the historical facts about tradition and culture of Indian sub-continent. Indian history began from the pre-historic period before the 8th millennium B.C. when the Harappan and the Indus civilization emerged. During their reign, the cultural, political and administrative unity was on the forefront. There was almost common currency, which symbolized the economic set-up of the civilization. Hinduism began from about 1500 B.C. Rig Veda influenced the society by classifying it into different sects, thus making individuality to come into existence.

Other sects also influenced in the breeding of Indian culture. Buddhists in 550 B.C and Muslims in 12th century had their influence on Indian culture, respectively. In 3rd century, the first step in the establishment of the body of administration came during the Mauryan period. A single political unit was created and the land revenue system was established to set into motion the financial resource mobilization by way of land utilization through agriculture. Communication was boosted in a better way so that the local administration could be set-up in relation to the main central unit. The war of political dominance came when the Guptas defeated the Mauryans. After them Muslim rulers invaded the Indian sub-continent in 12th century and their dominance was in Pakistan, Bangladesh and Kashmir.

The medieval period in India is believed to have started with the arrival of Turks in about 1000 to 1206 A.D. and by virtue of their activities Islam came to India. However, Arabs were the first Muslims who invaded Indian sub-continent by way of trade. Turks after a short span of time passed the rule under the Khaljis, whose
Chapter 1

sultanate paralleled economic and technological developments of the late 13th and 14th centuries by centralizing the administration. The paper production also initiated the bookkeeping section of administration. Thus commercial expansion and the impressive coinage system were melted. Taxation policy was initiated, but due to their soft policies of governing mechanism, their decline started. In 15th and 16th century, there was unified rule, which led to the political anarchy. In 1526, Babar invaded India and established Mughal rule. Their effect was of a reformative nature on the Indian administration. During the period of Akbar, decentralization of power by way of departments and panchayats was established which were all answerable to central, provincial and local administrators. Revenue system got established in a proper manner and fiscal policy was given importance. Thus the administration in India had started its existence even before the reform committees were formed to undergo changes in the administrative sector.

Historical Review of Administrative Reforms

History is a witness to the hard reality that foreign rulers have mostly ruled India before independence dawned on the people of the country on 15th August, 1947, so the rulers of the times pursued the policy of undertaking structural and policy changes in public administration according to their convenience. As such India witnessed changes in policy and structure of public administration and rulers of pre-independent political era changed the system according to their own interest and priorities.

As is recorded in the annals of pre-independent administrative history Mughal era lasted for three centuries from 16th to 18th century. During Akbar’s period army was the central
unit of administration and as such while enjoying sweeping powers, army connived with some private forces and resorted to the unjustifiable practices of abuse of power and authority creating gulf between the people and administration. As such the realization for devising reform initiative gained ground with every passing day and while effecting reform initiatives in administration, efficiency was made the criteria to ensure placement of experienced and qualified persons on important positions in administration. Thus, Mansabdar was given civil post and it was the case with other professionals. Revenue system was also set up in a proper way.

In 19th century Mughals were forced to give administration of India under the British rule. As such, Lord William Bentick (Governor-general-1833-35) and Evelyn Baring Cromer (Financial member of Viceroy's council in 1880) reformed the financial sector on a large scale. The personnel administration was given importance as it laid the foundation of the administration of India. It was emphasised by the Times of India in 1873 about the personnel administration as, 'whatever may be the direction in which the long expected reforms....may run, one initial question, at least cannot be avoided but must press itself, strongly upon the attention of the authorities. The efficiency....by comparison every other matter may be classed as secondary in importance'.

Till the end of 19th century, Officials and Politicians were regarded as Bureaucrats and Ministers, respectively. Then, during the period of Lord Curzon, the administration of India was developed to its optimum level. Curzon gave importance to efficiency and believed in increasing the productivity on the basis of Taylor's scientific method. Various reform initiatives were set-
up under the British regime and the departments that were dominant got activated. Many schemes were established which later on led to the great achievements for administration. University Grants Commission (UGC) established during Curzon's rule led to great educational revolution. Indian council of Agricultural Research (ICAR), Archeological Survey of India, are some of the main innovations established during this period. Thus, India witnessed a series of changes in structural framework and policy initiatives during this period.

In the beginning of the 20th century, Baron Curzon set-up a commission for the Indian Universities (1902) to bring about a better order in higher education. After this period, the Indians as well as British were engaged into a struggle of power dominance and existence, as the Indian independent movement rose to its peak. It was, due to the reform initiatives of Morley and Minto (Viceroy of India 1905-10), which are also known as Indian Councils Act of 1909, that Indians revolted against British. As this act was based on the principle of "divide and rule" policy, so through Montague (secretary of state for India 1917-22) and Chelmsford (Viceroy of India 1916-21); the system of diarchy i.e. system of double government made a break-through in Indian history by granting autonomy to India in 1935.

i) Educational Reforms:

Another committee known as "Saddler commission" was appointed in 1917 to inquire into the conditions and prospects of the university of Calcutta but in real sense this committee was not only established in India, but had a world-wide scope. Thus, educational reforms were established in 1947, by government of India and three important commission were appointed as:
The University Commission of 1949.


The Education Commission of 1964-66.

These reforms were issued in July 1968 with a revision in 1986. National policy on education stressed on elementary education, hence Operation Black Board (OB) scheme was set-up in 1987\textsuperscript{13} where in construction of school building and classrooms was done. The main aim of all such schemes was to universalize the elementary education by improving the quality in addition to quantity of educational system by way of innovations in the techniques for improving school facilities. However, implementation of such schemes became inevitable, due to inadequacy of funds at the central or state levels. Under OB scheme, providing two-room building, two teachers and essential equipment in primary schools of the country made a national effort.

Even the "right of everyone to education" was affirmed by Universal Declaration of Human Rights in 1948.\textsuperscript{14} But the assessment proven by the UNESCO projections of 1982, show that in developing countries, in spite of resources and expansion in basic education, millions remain uneducated. Even the decrease in the expenditure rates of the developed countries on education has resulted in decrease in enrolments with the rapid increase of population.

However implementation of the recommendations of such committees become inevitable. It necessitated the demand for a committee like Jarrat committee\textsuperscript{15} of UK that was set-up in 1984 to assess efficiency of universities. The full report was made
public on April 1985, which focused on the need for bringing in some structural, academic and administrative change in the functioning of universities and its allied institutions.

ii) Administrative Re-organisation

Re-organisation units in various departments like state re-organizing unit, financial re-organizing unit, educational re-organizing unit et-al., were formulated to bring innovation in the organisational set-up. ‘State Re-organisation commission’ to redesign India’s internal map which later turned into an act in 1956, was undertaken to overcome the post-independence problems of refugee re-settlements economic imbalance and improper utilization of resources which was the outcome of the undesirable approaches of inefficient, inexperienced and untrained administrators. As India had just emerged as a Sovereign democratic republic, so its ideals were determined by the democratic ways and means with the basic intention of making India a progressive welfare state, which prompted policy transfers to introduce people’s participation in public administration. As such a reform process was set into motion and in 1947, a commission was set-up to organize proper utilization of resources. Hence Planning Commission was set up in March 1950, with the basic objective of introducing the policy of devising five-year plans and the process was initiated in 1951. Applyby report in 1953 and 1956, dealt with the administrative organisation and the suggestions for streamlining the administration, respectively. In one of its indictments, Appleby compared personal administration with feudalistic heritage having academic and intellectual orientation with little administrative skills. National development council (NDC) was set-up in 1952 during the first five-year plan to
bring improvements in administrative functions and to secure balanced and rapid development of all parts of country.

Right from the age of Asoka, Vikramadiyta, Akbar and Jahangir, corruption was curbed in different ways. Various committees and redressal grievance cells were set-up on prevention of corruption. Under the recommendations of the Santhanam committee government of India appointed Central Vigilance Commission to deal with such cases of corruption. Lokpal at the centre and Lokayktas at the state have been established to ensure accountable government. Some states have established their own grievance redressal cells to set-up statutory bodies in curbing corruption. The ARC in respective states established several committees. These reforms had the main aim of making administration responsive to people. Although Administrative Reforms Commission, was related to various sections of reforms, its impact on Indian administrative system was minimal. In order to compete with the demands under the specified deadline, administrator has to function even if there is scarcity of resources. With the result, computers play an important role. India while formulating first five-year plan had utilized the facility of computers. A separate department was setup in March 1985 as, Department of Administrative Reforms and Public Grievances, under the chairmanship of Mr. Rajeev Gandhi.

Administrative Reforms Commission (ARC) was also established which gave its initial report in 1967. It stressed on the functional aspect of Indian administrative services under which the functional services are liable to be manned in respective fields. Administrative Vigilance Commission in 1955 was setup in the Ministry of Home Affairs to check corruption in civil services.
Sarkaria commission also recommended the decentralization of power to state government. There was a change in the business rules, as the process of economic liberalization with the system of permit and license Raj, identifying the efficiency of government undertakings.

Gorwala underlined the need for delegation in the following words: “allot it to a man, fix his authority and let him have a free hand within that authority. Give advice only when absolutely necessary. Note carefully, without interference, how the work is being done. If the man is not satisfactory change him but don’t interfere unnecessarily.”

In August 1926, Disinvestment Commission was setup to advise government on disinvestments matters. It submitted about nine reports till March 1999, covering 45 Public Sector Undertaking (PSU) in various scales. The infrastructure of administration can be improved if there is enhancement in the reforms in the Public Sector Undertakings like MMTC, SAIL, and IOC, which contribute to the foreign exchange earnings. But hindering their progress is the same Red-Tapism of administration as there are procedural delays in obtaining government approvals in making critical decision.

iii) Computers in Administrative Functioning

E-governance, can sort out the gulf between the administration and the common masses by increasing the efficiency and speed of the functions of government. E-governance facilitates an easy access to information by providing transparency in government dealings and providing infinite, expandable, diffusive and instant transmission of information. Strategic information system (SIS) can be introduced to bring...
transparency. It is used for gathering information regarding crime and criminals and helps to track down criminals and prevent crime. Common wealth secretariat has launched the Common Wealth Center for Electronic Governance (CCEG) in 1991, to serve the importance of E-governance. Computers have increased centralization as the process of collecting, synthesizing and transmitting can be done by greater speed and comprehensiveness without involving manual work to have the accountability in services. In the west the cybernetics explosion made a change in the administration but on the materialistic grounds. The first administrative task undertaken by computers in 1950's and 60's was in American system of Electronic Clerk, Centralized Administrative Intelligence System; Local Government Information Centre (LOGIC), Management Information system (MIS); Bank systems, etc. It also avoided the information crises among the departments. Innovations in the issues involving human, technological and organisational implications need proper methodology to be adopted.

Administration is not only document processing or storage of data, but has a behavioural approach as locational choice and the links between the people and the information intensity for decision making increases at the implementation stage.

Reform Committees

An Action Plan undertaken to implement the Administrative Reforms in the government was put forth in New Delhi, on May 2002, under the Department of Administrative Reforms and Public Grievances (AR and PG) and Lal Bahadur Shastri National Academy of Administration, Mussorie. In this report the conference of the Chief Secretaries in November 1996 and its
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Action Plan adopted at a Conference of Chief Ministers in May 1997 was studied. The Grievance Redressal cells with multidimensional administrative character can bridge the difference between the administrators and the public. A separate Department as ARI and Training has been setup in Civil Secretariat to sort out the ways for solving the problems ranging from administrative reforms to nomination of suitable candidates for professional causes. But due to the lack of transparency, faith in the administrative set-up is deficient.

State government have constituted various committees to serve their respective state administration. In this bid, Jammu and Kashmir state has also undertaken a committee known as Moosa Raza committee under the chairmanship of then chief secretary Moosa Raza to implement the measures set-up in the committee of the chief ministers in 1996. With the passage of time, it has not been implemented on practical ground for the lack of co-ordination, making administrators suffer a lot because of their own negligence. Corruption in government and untimely implementation of plans are one of the reasons of this negligence. Reform committees set-up are guided by the changes that change the direction of public administration in consonance with the changes that over shadow the system. Although there is increase in the growth rates, but in comparison to the increase in its need, its progress is very sluggish.

Need For Reforms

Administrators have their hand in every field of life whether taken in broader and meaningless sense or in narrower or unsatisfactory sense. Modern techniques have become a threat to the democracy at constitutional and social level as vigilance by the
masses has changed to computing. Administration can thus proceed in a way that can be put to us in decision-making process and appropriate execution of policy decisions. Administration, as the word suggests, is mainly concerned with the execution of policy issues. Developing countries like India are confronted with more multi-dimensional problems of administrative and socio-economic characters than what happens in developed countries. In developing countries, administrator has to act as an energizer of developmental efforts and has to ensure orientation in implementation of developmental programs. Thus, the main aim of administration is to give shape in the form of institution which can be made possible by separating the administrative reforms in its various facets. Administrator has the discretionary power to conduct the discussions about the nature and scope of decisions that have to be put into place. The role of Bureaucracy should remain confined to impartial execution of policy decisions to give vent to neutrality in public administration.

Public administration should be open to innovations and new technologies with enhanced impetus on quality management as Total Quality Management (TQM) technique that depends on the source. State welfare activities are determined by value based policies and execution of administration. Since Independence, there is an increase in the welfare orientation programs leading to tremendous expansion of public sector. Administrators’ activity can be symbolized as an act of civil servant and as a structure for executive government, which may serve as a building block for multiplying bureaucracy. For this reason, in spite of modern techniques like computers, administrators still multiply according to Parkinson’s Law of increase in bureaucracy. Thus, in India like
other developing countries, in spite of making a mark in cyber age, the size of bureaucracy in terms of numbers has touched new heights.

Until World War 2\textsuperscript{nd}, there was a feeling of isolation among all nations of the world but the world has become a global village now. Since the end of cold war era the present welfare state has inevitable responsibilities. However, because of prevailing policy of red tapism in bureaucracy much of the time is wasted in executing policy decisions and programs.

Government policy is given shape by the parliamentarian that support policies for their own vested interests. Although the policy is put into practice for the upliftment of the needy, which in real practice is to meet the needs of the policy makers, thus creating a shaft between bureaucrats and political executive. For ensuring innovation in administration, the reform committees have been set-up to enable the government to frame policies avoiding duplication of efforts and make available the economies of large-scale operations by organizing common service facilities, research, consultations, training of staff and sales promotion. Making the process of policy formulation a time consuming exercise and then to repeat the same practice in execution are such approaches which influence the process of thinking in public administrator. Proper accountability is largely influencing the execution of policy initiatives. For putting policy initiatives into practice in the right perspective, proper disposal of work is a must for committed officials.

The state of Jammu and Kashmir had 16 secretaries in 1967\textsuperscript{21} which rose to 31 in 1995. Thus, decentralization of power by allocation and disposal of business to the departments becomes all
the more important. It was felt that level of burden on secretariat functionaries should come down to ensure access of people to power corridors of the state.

Further there is a bid to make administration a business like activity due to wide expansion of privatization in the global market. For a viable administration, efficiency and economy should be result oriented. The relationship between ministers and civil servants should be based on trust and mutual understanding. As minister has to face the crowd, so administrator should develop a congenial atmosphere for the minister to ensure his close proximity with the people. Thus, responsiveness to public in accordance with the rule of law is the prime function of administrators. The gap between the policy makers and its implementers should be minimized or to say 'it should tend to be zero'.

Administration needs momentum in order to gain grip over the government. The customs and traditions are to be moulded according to the needs of administrators and vice versa also. This gives rise to new social order leaving behind the traditions, which the British had left for India. There should be a sense of unity among the administrators, which may enhance the development of administration. Incentives are to be boosted so that custom of corruption is curbed. Decentralization of power is also an important step in making administration effective and responsive. This process will give birth to initiatives which are committed to the policy of administrative reforms. A.B. Vajpaee, while addressing 1999th annual general meeting of Indian Institute of Public Administration on the subject entitled ‘Administrative Reforms’ said, “In a country where majority of the people are
victims of poverty and neglect, we have to have an administrative system which has a heart that feels for the poor and the mind that cares for their needs”.

**Reform Initiatives**

Due to the industrialization in 19\textsuperscript{th} century, the harmony with nature seemed to be getting disbalanced, giving way to hazardous diseases via pollution, deforestation, Ozone depletion, silting of lakes and rivers, etc. Various environmental considerations came up in this fast worsening condition of the society. In the constitution, Article-48A chapter on Directive principles of state policy\textsuperscript{23} stresses on the protection and improvement of environment and safeguarding of the forests and the wildlife. Even the Indian council of enviro-legal Action (ICELA) has been set-up. A report entitled ‘Our common Future’ of the world commission on environment and Department under the chairmanship of Gro-Harlem Brundtland, Prime Minister of Norway, 1987 had a role on the environmental future of the international, regional, national and Intra-national agencies and authorities.\textsuperscript{24} An independent Department of Environment, forests and wildlife exists to make amendments and encourage the government regarding the implementation of such schemes, however implementation failures of environmental conservation programmes at bureaucratic levels is a reality. Reports and committees have been set-up to operationalise these action plans and reports like;

- National Wildlife Action Plan
- Forest conservation Act, 1980
- National Forest Policy, 1988
National Water Policy

Time taken to implement an act is a vexed issue. The New Environment Protection Act, sponsored by the Indian Law Institute New Delhi and the consumer education and Research centre Ahmadabad has setup an National Environment Protection Authority (NEPA) having various sub-groups. The function of this authority was to monitor implementation of various environmental protection laws in the country. It also undertook the job of coordination to examine that whether the environment protection measures have been taken by state governments or not. However till date no such agency has been established.

In India politics is given much importance. It not only brings the nation to a standstill but also makes the role of administration doubtful. The politicians and the bureaucrats relation is so delicate that they find means to undermine the other. The minister is found to be ‘alone at the top of my departmental empire’, as is exemplified by Donald J. Savoie about making the final order to make the changes in the normal course of administration in the relationship of Minister – Deputy Minister.

The concept of neutrality among the political and administrative relations with the new trends to make administrators as well as ministers accountable to the parliament needs a major thinking. Although administrators are considered to be the experts of public management process but minister and administrator both are responsible for proper governing. The main reason for ministerial lack of administrative information is the politics, elections and cabinet reshuffle. Various statutes and Acts have delineated the minister – secretary functions like the Financial Administration Act, Public Service Employment Act and
Interpretation Act. No doubt these plans and committees make
projects but on the other hand their implementation is devoted to
the goodwill of the politicians of ruling elites. Thus, not only
administration but also its relation with administrators needs
reformed, creating conducive atmosphere for well furnished and
disciplined manner of achieving social and economic prosperity.

Public administration has emerged as the 'Responsive
administration' in order to suit the growing urges and aspirations
of the people. Novel methodologies are tried and tested to reduce
the level of dissatisfaction in the operationalisation of socio­
economic transformation process. This has enhanced the thrust and
urges of the people to accessibility of basic social services like
education, health services, safe drinking water facilities,
sanitation, public distribution system and the likes.

Reforms need to be shaped according to the environmental
requirements and on fixed rules and regulations. For effective and
responsive administration there is a need for transparency and
accountability to give a serious thought to vexed issues and
administrators need to solve the problems of administration so that
crisis may not occur. Appropriate action at appropriate time is
more important than to constitute a reform committee in times of
emergency. Hence such committees are not expected to put
forward the required recommendations due to the lack of
coordination between the members thus creating new problems.
Technological innovations should be undertaken to make the
environment conducive. For better formulation of reform
committees proper responsibility should be given to make it sure
that initiatives do not overlap. This needs humanistic approach to
train the required personnel on the specific job. Thus,
implementation was given importance right from 1960s, as
development administration needed its presence while developing
its strategies. As development is goal oriented so a fulcrum should
be setup between goal setters and action settings. Time
management should be given priority so that desired objectives are
achieved.

Centre acts as a guide to the states in dealing with its
administrative and other governmental matters. Constitution of
India has stressed on this aspect in its first article. Hence in order
to cope with the urges and aspirations of common people, proper
implementation by the administrators at the central and state level
needs importance. There should be clear-cut distinction between
the functions and resource utilization between the centre and state
so that there is no over lapping of work and one understands where
to go for assistance. Hence Administrative Reforms Commission
(ARC) has setup various reform committees at the central and the
state levels which need to be looked into closely.
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References:


3. Ibid, p-49.


5. Ibid, p-277.

6. Ibid, p-278.

7. Ibid, p-278.

8. Ibid, p-278.


10. Ibid, p-494.

11. The Times of India, 31 August, 1873.


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CHAPTER II
ADMINISTRATION, LAW AND PUBLIC ACCOUNTABILITY

Administrative law is as old as the government itself, but got recognition in the 19th century when police state changed into welfare state. It all happened when Anglo-American countries got a boost in 20th century and the administrative law undertook the legal aspects of duties and powers under the administrative actions.¹ Hence judicial administration was separated from the judiciary in the form of administrative law in 1970 by Roscoe Pound.² This professionalisation in the work order, made specific persons responsible and accountable and acted as check and balance to the administrative delays.

Ganjendragadhar, former Chief Justice of India remarking about law and its significance said, “Law is a mighty weapon in the hands of democracies to resolve socio-economic conflicts. If it is shown to the common man that poverty, ignorance, disease, squaller and unemployment can be conquered, the rule of law and the democratic way of life will prevail”.³

Administration and Law

The term ‘law’ includes the ordinance, judiciary, order, byelaw, rules and regulations or notification.⁴ It brings into account administrators and politicians making them responsive to the nation. As, administrators have their hand in every field of government so does have the judiciary to curb its despotism. Hence administrators and politicians are not only accountable to the parliament or Apex courts, but also to the judicial courts or tribunals.
Kenneth Culp Davis has defined Administrative Agency as, “a commission, a bureau, board, authority, office, offices, administrator, department, co-operation, administration, division or agency. Nothing of substance hinges on the choice of name and usually choices have been haphazard. When the president, or a governor, or a municipal governing body exercises powers of adjudication or rule-making, he or it is to that extent an administrative agency”.

The legal aspects in the administration or the government bodies are undertaken by the administrative law, and other administrative agencies other than courts through various rule making, investigating or other informal acting of administrative agencies.

Judicial system co-existed with administration due to the contact of legal and administrative accountability to the individuals by way of constitutional protections. Tribunals, Grievance Redressal Cells form the main objects of this partnership of legislature and administration.

Administrative law controls the powers and functions of the administration. It can be depicted by the two models: ‘Legal-Integrationist Model’; which combines the rules of public and private laws in a traditionalist way. However, this has been weakened due to the introduction of Tribunals and special administrative laws in the ordinary courts.

‘Separationalist-Model’; which was set-up in the later years to counteract the lacunas of legal-integrationist model. It forms the separate courts for public and private agencies. In some
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In communist countries like in Eastern Europe, administrative supervision is enforced.

Administrative law determines the powers and duties of administrative authorities affected by the legal operations and its remedies affect the administrative action. Administration as well as law needs to be organized to enhance its performance by establishing rules and relating these operations with other governmental forms. These rules and conduct rules are being set up as conduct of Business Rules which in turn make the auxiliary laws to undergo changes in accordance with the policies for protecting the public interest and private undertakings. It has been said that

“Creativity and innovation are as much necessary in justificining as impartiality and independence. The judges are not expected to be mechanics and masons, but are designers and architects”.

The efficiency of the executive government can be had only if the rules and orders are being implemented in a fair and just manner, which can be done by establishing properly rules and regulations. Administrative courts decrease the burden of ordinary courts and have become an important aspect to find a permanent solution to the problems of law and order in bureaucracy ridden administration.

Court fees was increased so that there was a cut-down in the number of cases which would lead for greater access for elites of society only. Further due to the slow and costly means of justice, people preferred the private arbitration. Further the multiplicity of laws hinders in the decision making process. Special privileges are being set up under special laws to higher elites, thus
underestimating the basic fundamental principle of equality to all. Accountability can be adhered only in legal terms if there is the correct use of power at different levels of administration. Judiciary needs well-organized system to have accessibility to all sections of the people on cheap, responsive and fair basis. It needs participation by media in making strategies to solve the law and order problems. Plans like ‘Amnesty Plans’ can be setup in states on the basis of the plan setup in Punjab. This will lead to economic development along with social and cultural progress in an environment of social justice.

New techniques in legal administration need to be operated in multi-dimensional stage so that there is boost in the social action, administrative vigilance, national support and stable political will to contain and control all law and order situations. ‘Self-purification’ and ‘self-introspection’ are to be established as vital powers to purify the values of life to fit in the administrative field.

Law commission, established in 1834, dealt with the delay in the justice matters, fake cases on evidences in the court, clashes in the Hindu-Muslim laws, litigants in the process of administration in the courts and their cost of efficiency, distance of the courts from the litigants, et al.

Although Public Interest Litigations (PIL) and other Grievances Redressal Cells are to pinpoint the administrative misconduct, yet the cases of corruption are seen in the system of judiciary also. To gain popularism fake cases are being undertaken thus misleading not only the persons concerned but also the society as a whole.
Quasi-Weberian model of centralization could be implemented to acquire higher levels of efficiency. Technological innovations and behavioural approach modernized the courts giving them a specialized field of study. Also, depolitization would make the judgement fair, ensuring better accountability and responsibility.

In early stages of administration, law was not taken as a separate entity but was the basic aim of administration by maintaining law and order. After the separation of departments, law was not given much preference. But the change from the agrarian society to industrial society increased the population at a rapid rate in town and cities. Thus, giving rise to Urbanisation, resulting in disturbance in the administrative sector, due to change in population density. Administrative law needs proper guidance to solve such matters, as law forms the basic part in a society instead of private or governmental sector. It forms the framework of administration. However, neither the administrators nor the law-deciders have got cognizance for each others role.

Law and order is maintained to make management prudent and use things to their best advantage by economical sparing to result in prosperity and unity of a nation. It can be used in different ways in different states. In the state of Jammu and Kashmir, this issue of law and order needs the perspective which differs from that of the situation in Naxalite hit areas of Andhra Pradesh, Bihar and West Bengal. The Tribal areas of North-Eastern region were never administered in a way to solve their problems, the insurgencies in Nagaland, Mizoram, Manipur, Tripura and Assam; the Sikhs on the western side suffered in life and property and problems of state of Jammu and Kashmir arose.
India, was singled into a unified nation by the foreign invasions in the past. Thus, its multilingual and multi-cultural character demands that administration and law and order be setup under different circumstances.

Western colonialism of many Asian nation-states is the reason for ethnicity. To set these things right positive goals are to be made the basic criteria such as attainment of peace, stability and proper law and order with economic stability and enhanced democratic values. Efficiency can be attained if we set right the constitutional relations with rule of law. This needs the good quality and proper number of judges to establish the law and order with the deputation of non-judicial work given the least account.

Influence of Civil Services on Administration

Government consists of number of ministries and departments each having different strength of workers. Innumerable factors form the basis for work culture. In post-Independence scenario, the government of India had 18 ministries at the centre on 15th August 1947, which has risen to 50 ministers each varying in number of departments. Chief secretary heads the hierarchy as supervisor, making appointments, promotions, etc. It’s under heads include Additional Chief Secretary, Commissioner Secretary, Additional Secretary, Director/Joint Secretary, Deputy Secretary.

In the case of Ministry of Home Affairs the department of administrative Reforms had been setup under the resolution of New Delhi, 5th January 1966. It was setup by president under the commission of inquiry called Administrative Reforms
Commission (ARC). But with the course of time and change in its utility, it has been shifted to Ministry of Personnel, Public Grievances and Pensions, as Department of Administrative and Public Grievances.

In the ministry of Law, Justice and Company Affairs; the judiciary comprises of supreme court of India, High courts, Attorney General, Comptroller and Auditor-General, Election Commission and other local bodies and authorities. All the four departments given in this ministry have to fulfill their work criteria like the Department of Justice has to fulfill the duty of administration and processing of appointment of judges to the supreme court and high courts.

Sir Ivor Jennings while comparing Law and the Constitution in his book has written, "Each Minister is responsible to parliament for the conduct of his department. The act of every civil servant is by convention regarded as the act of his minister."

Hence, responsibility lies on the ministries to make proper correspondence with the administrators to make proper decisions. Influence of these institutions and ministers on the administrative decision-making varies a lot. Policies are to be taken into account by such departments as; ministerial departments, divisions and sub-divisions, committees and sub-committees, political parties in power or in opposition; special interest groups like media.

Hence, the policy-making body like secretariat has to undergo the work of policy making with the addition of supervision, hierarchial scrutinizing of work, non-interference in other's functions like overlapping of work and value oriented jobs. For this purpose secretariat field relations prove to be either
boon or bane to the functioning of line and staff personnel. Healthy relationship between the specialists and the generalists can enhance the administrative setup. Boost in the productivity with the decrease in the hierarchical setup of administration should become a part and parcel of our system. Organisation and management of these departments and ministries should be paid proper attention without neglecting their basic amenities of life. Condition of the rooms for maintaining files and papers in secretariat libraries is worth to be seen. Maintenance of records on the annual basis is not setup in a proper way. On the whole mismanagement and disorganization of administration itself is the rampant.

Utilizing the administrative principles of Henry Foyal can enhance the circumstances under which the clerical staff has to work. Large sum of money is being utilized for the developmental schemes but what if the institution itself cannot develop!!

Maintenance division has been setup to bring efficiency of decision makers and executers. Although there is very meager change after independence in the procedure of work in secretariat with the increase in the number of files it’s maintenance itself needs a whole new organisation. Hence O & M organisation has been setup in many central government offices but it has suffered a failure because of lack of proper training to the employees.

Public Accountability

Accountability, as the word literally points to accounts, means rendering of accounts, statistics and reports. Hence to judge the performance of the government through responsibility is the main function of accountability. Implementation of plans
and projects to bring responsiveness and effectiveness in the administration is the main purpose of accountability in the administrative sense. Accountability of the personal, makes him aware of the responsibilities and effectiveness towards the work and prevents the misuse of public money through audit, checks and balances, thus protecting the interest of consumers. Accountability can be depicted in the chart whereby its working entrepreneur is shown.¹⁴

Chart Depicting Different Methods to Make State Enterprise Accountable to the Public
Although accounting is basically related with the financial sector, its managerial aspect has also been undertaken into consideration. Under management accounting, decisions made by large organisations are made symmetric in their functions reducing internal problem of auditing. This has been facilitated on the grounds of using innovative techniques like computers, involving greater accountability in auditing process and in estimating the outcome of the decision made under the accounting department.

Mathematical calculations of the accountability is being done by calculating the length of time in weeks required for the acceptance and internalization of a new idea in a government bureaucracy varying as:

\[ T = 2 + 2 (n-3)^2 \]

Where ‘n’ is the number of individuals or discreet organisational elements agreeing upon the fact and form of the idea required for it’s adaptation.

Dictionary of public administration defines, accountability and administrative accountability as, “extend to which one is responsible to higher authority – legal or organisational – for one’s actions in society at large or within one’s particular organisational position.”

“Administrative accountability is defined as, that aspect of administrative responsibility by which officials are held answerable for general notions of democracy and morality as well as for specific legal mandates.”

Civil servants accountability has formed the bases for the modern day administration. Civil servants are made responsible
for their acts before the court of law and parliament. Back in history administration was the body to maintain law and order and socio-economic aspect of a society. This has now turned out their own accountability before the law and parliament, when administrative accountability is given a separate execution of law. The administrator is accountable to the political executive which in turn is responsive to the legislature. Although politicians are the final authorizing power to take the decision but due to specialized training and permanency of tenure, he executes the decision. Most of the work done by the ministers and legislatures is just a rubber stamping to those files and documents forwarded by the civil servants. Hence, administrators are to say in a way, more powerful in the execution of work than the politician. Training, thus can be given not only to administrators but to politicians also to bring the accountability in both the executers of government services. To bring transparency, the system of Management Information for Ministers as ‘MINIS’ system has been introduced in Department of Environment in 1980. Through this system new techniques are being incorporated to provide information for being utilized within central government departments.

Innovative techniques should be involved in solving the problem of accountability as is done by judiciary. Administrative accountability can be said to have deep roots as a political culture in the democratic set up having the main function to make someone accountable for the actions to which accountability is sought-out. The process of economic and social justice has to be proclaimed through interaction of government with people to solve their socio-economic problem. Increase in the awareness of
the civil servants has led to the mal-practices in administration with the increase in the number of levels of hierarchy. Democracy has its roots embedded in accountability, transparency and responsiveness of the public officials. Administrative accountability needs proper implementation, execution and formulation of policies under the parliamentarian rules and regulations. Civil servants are being categorized into three culprit acts viz.¹⁸

i) Non-Feasance

ii) Mal-Feasance

iii) Over-Feasance

*Non-Feasance*: Civil servants have not done what law or custom requires them to do, owing to laziness, ignorance or want of care for their charges or corrupt influence.

*Mal-Feasance*: A duty is carried out with waste and damage because of ignorance, negligence and technical incompetence.

*Over-Feasance*: It occurs when a duty is undertaken beyond what law and custom oblige or empower... it may occur out of dictorial temper, vanity and ambition of an official or his genuine, sincere, public-spirited zeal.

Some have suggested that accountability is based on some pillars categorized as:¹⁹

➢ the executive or cabinet had the power to initiate a proposal for expenditure with the parliaments criticisation only after execution.

➢ the treasury was under its responsibility to examine the expenditure and control thereafter.
it holds the minister responsible for all acts under him.

Fredrick C. Mosher, has described in a good way the administrative accountability of United States. Accountability in American administration involves "competitions in loyalty and perspective between broad goals of polity and the narrower goals of a group, bureau, clientele or unions".²⁰

Many social processes mediate in the actual day-to-day functioning of the government and accountability in the broadest sense of the term cannot be insulated from specifics of social reality. Responsiveness and answerability in government has increased to ensure better accountability by way of question hour in the parliament. To hinder anarchism to become the soul of bureaucracy, bureaucrats have to undertake goals set up by the government by proper resource utilization. Political elites are responsible to the people while the administrators are actually responsible to the authoritative decisions.

The functional philosophy for administrative accountability needs the better relationship and understanding between civil servants and the citizens. Administrators need to undertake the work of the efficiency and betterment of the society as a whole and the expectations of the public fulfilled by the public servants.

C.P.Bhambri has explained the relation of Government of India (GOI) in terms of accountability as:²¹

> government of India is an engine of growth.
> government is the chief regulator of human relations in the country.
> government of India is the sole protector of vulnerable strata of the society.
Administrators are accountable before the parliament by means of question hour. To assist them in tackling the problem of question hour, various committees have been established as public accounts committee, estimates committee, sub-ordinate committee and so on.

Various grievance redressal cells have been setup to make administrators accountable to the citizens. Citizens have power to question the accountability of the administrators before the law through institutions like Lokpal, Lok Ayuktes and Ombudsman. During 1950's and 1960's, responsiveness to people meant the participation in elections only, which has now changed in direct participation in governmental affairs. Public policies can be setup to make system work democratically.

The concept that government spends money in the manner 'why', 'how' and 'for what' should be taken into account for better and responsible government.

Dr. Rajendra Prasad while inaugurating the constitution of India as President of the constituent assembly adaptation has said, 'whatever the constitution may or may not provide, the welfare of the country will depend upon... the men of character and integrity, they would be able to make the best of even a defective constitution. If they are lacking in these, the constitution cannot help the country after all, a constitution like a machine is life less thing. It acquires life because of the men who will have the interest of the country before them.'

J.C.Sinha and M.C.Mugali have enlisted the objectives of public accountability as:
1. To bring about consistency in the implementation of policies by the government.

2. To facilitate co-ordination of their activities with the related programmes.

3. To ensure that the enterprises conduct their affairs efficiently in accordance with law.

4. To make available sufficient informative data to the parliament and the public, so as to enable them to evaluate the effectiveness of their working.

5. To improve rules and sanctions on them to secure accomplishment of the objectives expected of them.

6. To prevent the misuse of public money by the management of the undertaking through audit and administrative checks.

7. To protect the interest of consumers and to assure a fair deal to the personnel.

**Accountability Committees**

Public accountability results in the effectiveness of the government.

L.D. White, considers public accountability as, 'Sum total of the constitutional, statutory, administrative and judicial rules and precedents and the established practices by means of which public officials may be held accountable for their official action'.

To ensure transparency and accountability in administration, parliamentary committees were formed. Various methods to control the legislative accountability in parliament are-

- Debates and discussions
Through these committees, plans and projects are being discussed from the technological point of view on the basis of facts. These facts are then analysed and recommendations are made to have action-oriented schemes to undertake the goals to be achieved. Creativity is also achieved through interdepartmental exchange of ideas between various members of the committee. However in some cases it may lead to seriousness in the problem, as what a single person at the time of solving the problem could do, may have avoided the graveness of the problem.

Principal methods to determine legislative control are finances, departmental acts and policy. To structure the administrative accountability parliamentary committees have been set up under the Act 118(i) of the constitution.25

Parliamentary committees are two types:

i) Adhoc committees

ii) Standing committee

i) Adhoc committees, are temporary in nature and are based on the needs and requirements of the job. They are broadly categorized as:

– Committee on conduct of certain members on presidential orders and addresses,
Committee to inquire in the irregularities in banking transactions and securities.

Committee to select the bill to be scrutinized.

Such adhoc committees are setup to inquire and scrutinize the working of the two houses on specific subjects.

ii) standing committees, are permanent in nature working on the annual elections. Some main sub-committees of finance in standing committees are – Public Account committee undertaking committee and estimates committee.

To keep vigil of all the activities undertaken by such committees, various investigating agencies have been established. The CBI as Central Bureau of Investigation, CVC as Chief Vigilance Commission, et-al. Similar other committees were setup like Lokpal, Lok Ayktas, Grievance Redressal Cells to curb the corruption and such lacunae in governmental system. Efficiency and accountability can be had if the administrative functionaries worked according to their proper norms.

O.P. Sharma, has broadly described the role of commission as:\textsuperscript{26}

\textit{Preventive} i.e. to stop the corruption by avoiding the circumstances which reach to such conditions.

\textit{Punitive} i.e. dealing with actual vigilance cases.

In Berlin, an anti-corruption scale has been drawn up, to undertake the global ranking in corruption in the form of a report as ‘Transparency International’\textsuperscript{27}. It’s report is published annually and in this year’s report India rank’s 83\textsuperscript{rd} in the globe while Norway at 1\textsuperscript{st} rank is the least corrupt nation of the world.
Central Bureau of Investigation although being independent, autonomous and free from government pressure and influence, it has to depend on government funds. Even selection, transfer and posting is also done by the government.

R.K. Raghavan, the former Director of CBI, New Delhi while showing its limitations said, "The CBI Director is just an invitee to the Central Vigilance Committee Board that selects IPS officers for senior positions in the CBI from the states."28

Lord Nolan's recommendations on standards in Public Life include seven basic principles:29

<table>
<thead>
<tr>
<th>Selflessness</th>
<th>Integrity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objectivity</td>
<td>Accountability</td>
</tr>
<tr>
<td>Openness</td>
<td>Honesty; and</td>
</tr>
<tr>
<td>Leadership</td>
<td></td>
</tr>
</tbody>
</table>

Implementing such kind of objects in the functioning of these agencies can enhance their developmental efforts and bring to book those who have done nothing in concrete way, to curb corruption. Political parties, press and Non Governmental Organisation's (NGO's) can play an important role in making such lacunae recessive in every field of society.
References


7. op. cit., No.4, p-1.


9. Bernald S. Cohn, “The Development and Impact of British Administration in India – A bibliographic essay”, 'Indian
Institute of Public Administration', Quarterly of Indian Institute of Public Administration, New Delhi, 1961, p-35.


15. op. cit., No. 5, p-308.

16. ibid, p-4.

17. ibid, p-9.


CHAPTER III
CORRUPTION, GRIEVANCE REDRESSAL AND REFORM

Corruption, as defined in the English Oxford Dictionary is “moral deterioration or decay; deprivation, the degradation of anything from its original state of purity”.¹

Corruption can be defined in the practice as:

- Misuse of public power for private profit.
- Bribery, intimidation and fraud at elections, not as a common law but as a statutory crime.
- Tradition and culture also influence the desire of high officials to eliminate the diversion of funds by sub-ordinates.
- Natural resources of incalculable value in the possession of the federal and state governments have constituted a standing temptation to corruption.
- By overlooking the violations of those who pay and by rigorously enforcing the laws against those who do not, corrupt public servants have a weapon for extorting tribute from those engaged in such activities.

A private individual involved in bribery generally suffers less drastic penalty than the public official who accepts the bribe. The former has acted as an individual, the latter has betrayed a trust reposed in him by the public and has reflected upon the integrity of all members of the public service.
Corruption

Corruption has been in practice since decades in various forms. In 1990's, it was considered to be the most wide-spread, pervasive and serious phenomenon in the form of political corruption.²

Corruption is not so benign in under-developed countries, nor is it so rare in advanced ones. It is unrealistic to think that advances in education or in techniques of public administration, the development of a 'public-regarding ethos' or economic development can lead to the virtual disappearance of corruption.³

Corruption, as defined for the context of the layman, is not an ordinary offence like violation of rules or fraud but violation of the duties of office and negation of the values that should undertake the democratic, political and administrative system founded on the rule of law such as the distinction between private and public interests, equality of treatment for citizens, transparency of transactions and so forth.⁴

Chinese understand corruption⁵ as:

“getting on the bus” i.e. actively participation in corruption;

“running alongside the bus” i.e. going along with the system.

“standing in front of the bus” i.e. resisting corruption.

One of the main urges for corruption is the abuse by the monarchic executives power for their own personal accounts under the supervision of their legislative friends.

Heidenheimer⁶ opines that corruption has two forms:
White corruption:

It is a part and parcel of the culture that is not even aware of the problem. It is differently tackled by various cultures, sometimes it may be a corruption in one place and might not be corruption in another place by pointing these acts as necessities of life or common practices.

Black corruption:

Disagreement to such practices is common to all but some may consider it ill-willed while other may agree to it, resulting in uncoordinated effort and the clash between the two in the form of scandals and cases of corruption.

Hence, corruption is like 'spinning the web' in which once entangled is not easy to leave.

In 21st century India, “Ethics, social values nationalism and prosperity are on vane. School teachers are not paid salaries for months. Young doctors do not serve in government hospitals even in urban areas. The defence forces are facing a shortage of officers. Top officials are in jails because of alleged links with criminals. Little wonder then that few complain about the brazen activities of the political class.”

This brings to the limelight the Indian class of officials in the light of a layman. Further studies show that the offer of the corruption no longer comes from the presumed ‘corrupter’ but from the person considered as a passive one, the ‘corruptee’ in other words, the politician or the civil servant.

In an opinion poll conducted in Italy, France and Japan, majority of the people were convinced that ‘all politicians are corrupt.’ Corruption cases in India are more prominent than the
welfare techniques. Records are being maintained of the corruption cases which have got records of corrupt money under it's scale. These form the cases of 'lost files' in the paper-keeping section of the officialdom.

Corruption in the Indians, during the British rule in 19th century led Sir John Kaye,\(^{11}\) to depict the Indians as:

*Educated Indians* – typically the Bengali Babus – devious, spineless, corrupt and scheming.

*Indian peasants* – particularly with a warrior tradition, such as Rajputs, Pathans and Sikhs – fine fellows”.

It was thought that the British administration brought with itself the lawlessness and corrupt practices. In 1956, one of the methods for the estimation of unreported income in India was from the national income estimates by subtracting the income assessed for income tax, a part of the Wanchoo committee by Lord Kalder.\(^ {12}\)

Various scams and scandals have been the part of Indian history right from its origin. Some recent scams and scandals along with the money wasted through these scandals is given as:\(^ {13}\)

<table>
<thead>
<tr>
<th>Scam</th>
<th>Unearthed</th>
<th>Approximate Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Securities Scam</td>
<td>1992</td>
<td>Rs. 5,000 crores</td>
</tr>
<tr>
<td>Sugar Scam</td>
<td>1994</td>
<td>Rs. 600 crores</td>
</tr>
<tr>
<td>Fodder scam</td>
<td>1995</td>
<td>Rs. 650 crores</td>
</tr>
<tr>
<td>Housing scam</td>
<td>1995</td>
<td>Rs. 17.4 crores</td>
</tr>
<tr>
<td>Hawala scam</td>
<td>1995</td>
<td>Rs. 65 crores</td>
</tr>
<tr>
<td>JMM Bribery</td>
<td>1995</td>
<td>Rs. 3 crores</td>
</tr>
<tr>
<td>Urea scam</td>
<td>1996</td>
<td>Rs. 133 crores</td>
</tr>
<tr>
<td>Medical equipment scam</td>
<td>1996</td>
<td>Rs. 1000 crores</td>
</tr>
<tr>
<td>Telecom Scam</td>
<td>1996</td>
<td>Rs. 1200 crores</td>
</tr>
</tbody>
</table>
The resultant of the Wanchoo Committee\textsuperscript{14} report gave, that the unrecorded income due to corruption is increasingly faster than the unrecorded income due to other reasons. The rate of increase measured from the unrecorded income will be much higher than the true rate of increase in corrupt income. Thus, creating a link between the corruption and the hidden economy of the industrial sector.

Remedies

The government can use such techniques to stop corruption by identifying the acts and actions taken through the country’s judicial system and take necessary steps to curb corrupt practices. The amount undertaken in this transaction, if utilized in proper place and time would have brought a great change to the Indian nation in the international field. Even the people below poverty line could have reached to some level, above the diminished line; or even the scheme could have benefited a part of the nation; or even the key word ‘Bureaumania’ would have lost it’s grip, on the common masses.

The level of corruption is so increased, that the burden of Rs. 75,000 crores\textsuperscript{15} had to be provided towards interest payments in the 1998-99 budget of the union government, leading to near bankruptcy.

Two approaches have been given by M.K. Singhania\textsuperscript{16} to end the corruption-

i. The system itself is faulty hence remedial alternate is to be provided with ‘corruption proof’ political system.

ii. Treated as a feature of the same political system in general and tackled within the frame-work of the system itself.
It has been termed 'Clandestine Exchange' between two markets, political/administrative market and economic/social market, on the whole. In corruption curbing schemes, variance and efficiency are taken into account. Where there is an increase in variance, efficiency decreases and has less stability.

In India, corruption is multi-faceted as it exists in many forms. The 'bribe taker' as well as the 'bribe-giver' should be found responsible for the act of misconduct and both should be made responsible on equal grounds, on the basis of proper scrutinization.

If you accept the system, it's problems are to be taken as challenges. If you set your goals higher, the challenges would also be greater. If the state has to become something more than a mere law and order maintaining agency, the challenge of corruption has also to be faced on the larger scale.

Since, corruption is inherent in the political system, it can be dealt with, only by erecting parallel structures of accountability along with the structures of responsibility. This would require decentralization on a large scale, greater role for the locals level authorities and people's increased participation in the process of politics, particularly administration.

These measures are known from the past in the form of rules, regulations and amendments through various committees. Now, the main part of implementing these measures is to be done by the politicians as, political leadership plays a crucial role in the national development, and administrators whose specialized knowledge and experience gives a skillful thought to the nation building.
Corruption cases like Dilip Singh Judev, the Union Minister of the State Environment and Forests, in the Judev Bribery Case, brings one in the deep well which has been dug within the governmental system. Misuse of political power has become a part and parcel of the Indian political scenario.

Remedial measures to curb the corruption was initiated with renaissance and reformation. Warren Hastings was the first civil servant to become a part of corruption curbing committee for administrators and legislators.

Judiciary, acting as the power to curb corruption, now acts as a part of corruption itself or at most remains a neutral agent. Corruption at top level can lead to the malpractices at other lower levels also, privatization is not being implemented on all grounds because of the ministerial and bureaucratic malfunctioning.

Government in India has gone from a scam to scandal involving crores of money and misuse of funds. The Tehlka tapes have shown the ministers, top politicians, bureaucrats and even judiciary and law officials accepting bribes. The Judev tapes also had similar content. However, the authenticity of the tapes is under suspicion.

This brings to one’s notice that lower levels and middle levels are ready to offer bribes to officials because of the lack of sufficient facilities. But, in general, such malfunctions are seen more in higher society, as one who has surplus money to offer it easily and effectively.
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**Grievance Redressal Committees**

Aristotle said, 'Against human greed no system is immune.' Such being the nature of man, we need to devise mechanisms to check malpractices in government. The office of ombudsman has been adopted by various countries for this purpose. 'Ombud' refers to a person who acts as a spokesman or representative of another person.

Professor Wade has named him, "the Citizen's defender"; Basu calls him; "grievance man"; others call him; "a muzzled watch-dog"; "a crusador without a sword"; "guardian of law".

It's main aim is that, injustice may not perpetuate and acts as a neutral agent and a catalytic agent processing the grievances of the aggrieved persons. The Ombudsman was concept developed in Sweden in 1809. It grew to become an institution to hear the grievance of the people, a work which has been done in different countries by different institutions, the names differ in different countries, as shown in the table below:

<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Britain</td>
<td>Parliament commissioner</td>
</tr>
<tr>
<td>France</td>
<td>Mediator</td>
</tr>
<tr>
<td>Philippines</td>
<td>Ianobayan</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Wakaque Mohtasad</td>
</tr>
<tr>
<td>India</td>
<td>Lok Adalat</td>
</tr>
</tbody>
</table>

While analysing the original Ombudsman in Sweden, New Zealand and Demark, the main features of Ombudsman include,
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'an effective and impartial investigating machinery for public grievances; for eradicating corruption at all levels; redressing administrative wrongs and excesses securing the liberties of citizens; and foundation of parliamentary democracy as a system of government.'

In the Scandinavian countries Ombudsman have the power to make recommendations to the department concerned. In the Indian context the need of Ombudsman, arises on the similar grounds. In advanced democracies, political parties and pressure groups exert an effective check on administrative action. Court reviews the administrative action in terms of legality and not on the terms of humanitarian grounds of content, wisdom or even reasonableness. In India, Administrative Reform commission (ARC), has recommended the Indian Ombudsman with some qualities as:

- Misuse of administrative discretion
- Maladministration
- Administrative delays
- Administrative corruption

Ombudsman institutions, along with parliamentary proceedings serve a main part of the modern democratic setup to preserve the rights of the citizens. The access to information, power to investigate and opportunity to report to legislature serve the basis for the democratic setup. To curb corruption, the system of administrative reforms needs importance. It is specialized in various fields acting as a guardian of law for the higher hierarchy as well as to the lower class of the hierarchy, ensuring the equality of law for equality of treatment and proper administrative reform implementation.
Ombudsman, although of Swedish origin was present in the Indian history during the Mughal tenure of Jahangir as "the bell of justice", to lodge a complaint against government servants. However, in 1950, Professor Karve and Bodh Raj Sharma suggested Ombudsman for India. In the world, Ombudsman conference, held in New York in 1986, a delegate from India, was told by some other Ombudsman that they, 'do telephone or write to public officials if any wrong doing comes to their notice and their warnings nearly always prove effective to nip the mischief in the bud.'

Ombudsman like bodies cannot work in the Indian culture, because of the law of defamation, contempt, privacy and official secrecy which in a way protect 'white collar criminals' and the politicians from the press which is an important forum for voicing grievances.

Aggrieved persons have to face many faces of maladministration, for example, excessive delays in pleading the case in court, excessive charges without having time limitation. This leads to the redressal cells and litigation through various agencies to curb these malpractices. Although initially, these bodies may take time but if put under proper watch and ward these can be a success.

Administrative Reforms Commission (ARC), in 1966, suggested for the introduction of the lokpal bill to curb the malpractices and redressal of grievances. The proceedings and reports of the lokpal bill should be done in public as long as the national security is not at stake. To make it accountable and transparent, ministries or even prime minister should not be involved in its proceedings.
Since 1968, 4th Lok Sabha, Lok pal Bill has been put into discussion nine times, till 1998 and on 14th August 2001, it has been given acceptance in the centre under NDA government. In the state of Jammu and Kashmir, the Accountability Bill has been introduced on 20th January 2003, by the coalition government of People's Democratic Party (PDP) – congress, under the Chief Minister, Mufti Mohammad Sayeed, as Jammu and Kashmir Accountability Commission Act, 2002.26

The Lokpal bill is undertaking the aim of punishing the offence under the Prevention of Corruption Act, 1988.27 Under this Act, the Prime Minister and Minister-in-charge of Home Affairs are made members, with the leaders of the opposition in Lok Sabha and Rajya Sabha. This has become the main source of malpractices as the politicians themselves are responsible to some extent for the grievances of the common masses. Under the purview of this functionary, some important functionaries come like:28

➢ Public functionaries
➢ Members of parliament
➢ Prime Minister and Ministers.

The delay in the administrative setup of the Lokpal and Lok Ayuktas has resulted in perseverance of corruption in the roots of the governance. Even the lokpal agency to be implemented in 60's is still being tried to be implemented irrespective of it's vitality and authenticity now present. Legal powers are needed for the better performance of the Lokpal scheme. The powerlessness of Lokpal still expects the aggrieved persons to have help from the litigations and other bodies like National Panel.
In the initial stages, corruption curbing committees dealt with the lower level corruption only, resulting in the enhancement in corruption of higher levels of the hierarchy. Higher ups were immune in the cases of corruption by the committees like CBI and CVC. Ombudsman is independent of the three basic organs of government i.e. legislature, judiciary and executive. Ombudsman like institutions can be adopted on the personal basis of the nation and according to the law and order of the nation, acting as a supplement to the parliamentary control. Thus, through Public Interest Litigations (PIL) these institutions act as protector against the malpractices of administration.

Corruption means illegal gratification and misuse of official power. Various enquiry commissions have been setup like Special Police Establishment, CBI, CVC, Lokpal. Shortage of goods, which is made available to the common man, is controlled by the hierarchy of administration. India is a country having limited income with mostly those living below poverty-line and this gets enhanced because of these malpractices in administration.

Politicians and Bureaucrats who form the two important aspects of running a society cannot curb corruption unless there is eradication of corruption. Leading to reforms not only in the administration, but the reforms in other fields on humanitarian grounds on the practical basis.

Administrative machinery is slow and corrupt. It is rarely found that any sort of work can be done without any illegal payment or utilizing sources. Common masses generally have little hope from civil servants. There is a downfall in the integrity and efficiency of public administrators. ‘Making money’ is replacing the concept of ‘Earning money’. The main aim of the corruption is
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to collect a little pot of money which deepens with the passage of time. The ‘white collar criminal’ are given legislative competence in the so-called VIP cells, having the facility which the majority of Indian society cannot even think of, in their normal life.

Corruption in the normal life is not considered an offence by the elites. J.L.Nehru, while serving as Prime Minister, once said, “Find me honest men!”\(^{29}\) Indian civil service officers are meant to serve the nation on a large scale as they are depoliticised.

The word bureaucrat gives the image of a “stodgy, inflexible desk-bound government employee”.\(^{30}\) They have to undergo a tough examination before they are employed and further undergo training in their service also. There are almost 4800 IAS officers in India.\(^{31}\) Bureaucracy is in need as much as it is to be avoided. Bureaucracy has also been termed as a, “maze of laws, rules and regulations – in a veritable jungle, enmeshed in red-tape!”\(^{32}\)

This describes the nature of government in the eyes of a common man. In the initial stage of Indian administration, administrators had to start from the lower level. Commitment to one’s work changed to the commitment to be one of the best corrupt practitioner irrespective of the work assigned, resulting in the yesmanship. Depoliticization turned to the political bureaucracy, as has been depicted in one of the Mario’s cartoon as, an office-goer is being told by his, boss, “Godbole, when I want your opinion I shall give it to you”.\(^{33}\)

Transfer acts as a bane as well as a boon to the Indian work culture, as in the Indian administration, it is the basic point that the civil servant is to be transferred after certain intervals. Although, it can be fruitful in curbing the malpracties like corruption, kingship, hegemony, etc. On the other hand, as soon as an IAS officer is
aware of the facts and failings of the situation, the transfer order is ready.

Indian culture has the civil servants like, S.N. Bannerji, who initiated the revolt against the system of British government; A.K. Chatterji IAS officer in Patna; Madhav Godbole; Srinivasavardan and un-noticed ones, who have resigned and refused these malpractices of administration. Still in Indian government, majority of those who resisted these criminal acts were forced to fall back to it irresistibly.

Administrative competence can be understood if there is proper distribution of relief and the implementation of developmental work on proper time. For this purpose, administrative vigilance or grievance redressal cells are formed to maintain law and order at the times of emergencies. To overcome crisis in the administration, proper management in the economic and political scenario is undertaken. For good governance, police-law-politicians-Administrators should be made a part of the system and work interchangeably.

Public Interest Litigation (PIL), is formed for curbing the malpractices of the politicians and the bureaucrats, but in turn they are responsive for suppressing the agency itself and polluting its authenticity. In the similar bid to curb corruption in the state of Jammu and Kashmir, Chandra Shekhar, the then Prime Minister in 1990, invited the probe against the judicial inquiry of all the major scams and misfallings. Grievance Redressal committees, Litigation counters and administrative re-orientation was the need of the hour. In the view of this, ‘Shikayat Markaz’ was initially established to listen to the grievances of the common masses.
Different clauses have been put down to overcome the grievances of the common man. In an analysis to the commissioner for public grievances during April-June 1966, results showed that 60% of the complaints related to delays; 2% to wrong decisions; 1% to rude behavior; 37% to others like corruption or malpractices of administration. Reporting that, not only delays in corruption, but also other grievances bring inconvenience. Lokpal and Lokayktas are meant for redressal of grievances and cannot substitute administrative reforms, as they have their own workload.

**Reform Initiatives**

Anti-corruption committees formed should be temporary in nature, as otherwise it would lead to red-tapism in its own existence. Common masses have now arisen from this fallacy of corruption, as they resist these acts by way of campaigns, strikes, and movements of the different kinds. This activism has resulted in development at social and economic levels.

Freedom of information acts as an important sign of the administrative malpractices, as bureaucrats are responsive and accountable to the common masses. The doctrine of civil services is not a dent in the administrative system but needs a proper vigilance to be put on so that there is no misgrievance in the doctrine of civil services.

Government policy works until the common masses are involved in the decisions. The grass-root level of administration is to be established in a proper way, which would later on lead to the effective and accountable growth of the policy.

Speedy trial of the cases for avoiding judicial delays, non-filling of judge's vacancies in time, fast-track courts were
established, which itself led to the judicial delays. Judiciary itself cannot be questioned, as it leads to contempt of court, however, it may check nepotism, favoritism and intellectual dishonesty. In administrative setup, every element counts for good governance, whether it is availability of resources or of efficient personnel at center or state level. Violation of common rules may at times not seem much important, but on the average it seems that these graver infractions of the law could also similarly go unpushed. Prof. Lawrance Sharma of the University of Maryland believes that direct patrols, pro-active arrests and problem solving at spots prone to high crime, do have an impact.\textsuperscript{37}

On political corruption, Dr. Radhakrishnan, said, “Unless we destroy corruption in high places, root out every trace of nepotism, love of power, profiteering and black marketing which have spoiled the good name of this great country in recent times we will not be able to raise the standards of efficiency in administration as well as in the production and distribution of the necessary goods of life”.\textsuperscript{38}

Prevention of corruption and vigilance is the ineffective and incompetent to curb such inconvenience. True and honest people in the administration are rarely found, hence they have to work within their own purview, as otherwise their existence is being curbed. This needs the proper vigilance by the vigilance committees to curb the atrocities of such persons. Corruption has been the part and parcel of the common man’s life. Corrective measures should be initiated to effectively deal with the problems of corruption.

Action plan, with regard to preventive measures, detention and punitive vigilance have given some preventive measures.\textsuperscript{39}

\textit{Preventive vigilance:}

a. Simplification of rules and procedures;
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b. Reducing the area of discretion and patronage;
c. De-regulation, where possible, to reduce the points of corruption and harassment to the public;
d. Introduction of public information and assistance counters in departments and places having public dealings;
e. Setting up of redressal of public grievances machinery in each ministry;
f. Systematic and surprise inspections by senior officers;
g. Monitoring disposal of cases with a view to checking delays;
h. Curbing outside interference in administration and personnel management; and
i. Improving wages and service conditions of public servants.

Surveillance and detection:

a. Greater surveillance and intelligence in corruption prone areas, particularly at public contact points by strengthening the vigilance machinery where necessary;
b. Closer watch on officials of doubtful integrity by vigilance machinery;
c. On a selective basis, moveable/immoveable assets of persons of doubtful integrity to be checked and verified periodically;
d. Raids and traps to be organized, where necessary.

Deterrent Punitive Action:

a) Investigation of cases to be speeded up according to a time-bound schedule;
b) Procedure for disciplinary action to be improved for speedier finalization of cases and deterrent punishment awarded;
c) Provision of summary trail by courts in cases of corruption and provision for deterrent punishment;

d) Legislative measures for confiscation of ill-gotten wealth;

e) Provision for premature retirement of persons of doubtful integrity to be enforced more rigorously to weed out corrupt elements;

f) Close monitoring of all anti-corruption measures, and

g) Wide publicity of punishment awarded to quality persons.

These reform projects if implemented within the time limits can lead Indian nation to its developmental progress. In a similar bid, the ministry of Home Affairs has set under the Department of Administrative Reforms, a commission of Inquiry, called Administrative Reforms Commission to examine the public administration of the country and make recommendations for reforms and re-organisation. The copy of this order or resolution was to be communicated to all ministries and departments of the government of India, state governments, union territories, etc. and published in the gazette of India for general information.40

Establishment of administrative vigilance division to check corruption was done in 1955 under the Union Home Ministry.41 State Vigilance Commission is to be examined to find better options and opportunities for the removal of administrative malpractices.

Administrative Reforms Commission (ARC), appointed on 5th Jan 1965 under the chairmanship of Morarji Desai42, submitted almost 20 reports till 2001, and made 537 recommendations. The 10 major areas for consideration include:43

1. The machinery of government of India and its procedure of work.
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2. Machinery for Planning at all levels.
3. Center-state Relationships.
5. Personnel Administration.
7. Administration at State Level.
8. District Administration.
9. Agriculture Administration.

Various committees were setup like; the Sarkaria Commission of Inquiry (1976-79), New Delhi, Government of India at the Union Level; Ayyangar Commission of Inquiry – Jammu and Kashmir (1965) at the State Level.

The Ayyangar Commission of Inquiry, was undertaken against Jammu and Kashmir Chief Minister Bakshi Ghulam Mohammad, on January 30 1965, under the chairmanship of N.Rajagopal Ayyangar. The commission submitted its report of 720 pages in 1967 which concluded that nepotism and favoritism of the civil servants, was at its peak. Citizens were led to extreme cases of vulgar treatment during this tenure, as corruption was on its peak. In the report of Ayyangar commission, we find;

'The most saddening and depressing of the materials placed before me were the affidavits of the officials who confessed to have knowingly done improper acts extending even to tempering with official records to the prejudice of the state and state property and monies in carrying out the desires or orders of the respondent to benefit himself or his relations.' (36.4 pp.711).
In another observation, R.Ayyangar has reported the malpractices of this tenure of Bakshi G.M. by adding;

'... when abuse starts from the top, demoralization sets in the permanent services, and even officers who by virtue of their status and position could normally be expected to take an objective view of matters coming up before them, succumb to the temptation of becoming subservient and willing tools for furthering the interests of those under whom they serve'.

The resultant of all such reports, committees and commissions was just paper work which the government had assigned to their respective staff members. But whether the reports of these committees are implemented on practical grounds or they remain as an exercise in window dressing is the big question which begs an answer.

Commission of inquiry against Karunandhi Mikarunandhi and others were found in the course of investigation by the Sarkaria Commission in (1976-79). It's report gave that the civil servants acted as a bond between the businessmen and the ministers. The three posts of civil servants – Private Secretary to Chief Minister; Secretary Agriculture Department and Director of Agriculture, co-operated in the deal to extract gratification by the minister and the chief minister. On similar grounds through committees and commissions, various scams and scandals came to light, like:

- Petroleum Dealership scam of 2002.
- Bofors Scam
- Bank securities scam
- Telecom scam
- Bihar fodder scam
S. Maheshwari has drawn some lines of profile through these commissions and committees. Erosion of values in the country's public life is visible in all sectors. Politicians and the civil servants privately accuse each other for moral deviations. Line separating polities and administration is becoming generally unreal. Country's contemporary politics and public administration generally show little sensitivity to the larger public interest. Politico-administrative culture is characterised more than anything else by a high level of permissiveness. Wrongdoers identified by these commissions of inquiry have rarely been punished.

In the survey report of public administration, Paul H. Appleby, has criticized the government efficiency in the words, ‘... a lack of frugality, rather the government is somewhat unwisely frugal-spending too much energy and money, in penny pinching and regarding too little the effectiveness and convenience of the conditions in which able men work’.

Computers and e-governance has changed the administrative setup and is in the act of making government citizen-friendly. With the passage of time, there is going to be tremendous change in the governing body and the system of governing.

Factors like decentralization at the state level, the making of Jharkhand, Chattishgarh and Uttaranchal; on the similar grounds, Jammu and Ladakh also want to be separated from the state of Jammu and Kashmir resulting in proper management of the administration. Overacting of governmental forces has become the part of administration, as improper utilization of money through
corrupt practices has led to the lack of basic amenities to the employees. Over-expenditure of government finance on military purpose is resulting in the lack of proper utilization because of Bazaar -Canteen scheme.

For good governance, the best remedy is prevention rather than finding the faults. Overlooking the rules and laws of the constitution for better governance with the passage of time is needed for proper administration. In a certain way innovative technique and the use of computers may prove a boon for this red-tapism curbing committees. To undergo this, pragmatic approach can be utilized for proper welfare of governmental machinery. Plans of attaining a socialistic approach need to be viewed more realistically. Discipline needs to be maintained in different categories.

The laws undertaken in the field of Public Administration should not remain pedagogical, but it’s principles should be implemented on practical grounds also. Taylor’s principle of POSDCORB i.e. Planning, Organizing, Staffing, Directing, Co-coordinating, Reporting and Budgeting, shall be circulated among various departments to be the basic framework of management.

U.G. Aggarwal, Central vigilance commissioner, in an address on 10th March, 1986 New Delhi, gave the brief idea of prevention of corruption in public services as: 50

1. Reduce it’s scope by -

   a) review of governmental activities to eliminate unnecessary work;

   b) simplification of rules, procedures and practices and general system improvements; and
c) better supervision, inspections and monitoring.

2. Reduce temptation to corruption by upgradation of pay-scales and service conditions.

3. Better policing and vigilance to:
   a) exercise greater check on corruption prone areas and individuals;
   b) identify hard-core corrupt elements; and
   c) take exemplary punitive action against corrupt elements by removal and dismissal from service.

Proper implementation of these reforms and recommendations need the proper center-state relations, as in the current scenario there is a fast change in the practical situation also. The higher officials are now one of the main accused, who work for the betterment of the nation, itself. Thus judicial activism is the result of the sensitive modern day Indian judiciary. Awareness in common masses is now giving way for political as well as administrative activism. This has resulted in the end of the era of the Abdullahs, Badals, Yadavs, and Naidus, in the political scenario.
Chapter III

References


3. Ibid, p-143.


5. Ibid, p-17.

6. op. cit., No. 4, p-311.

7. op. cit., No. 1, p-95.


9. op. cit., No. 4, p-311.

10. Ibid, p-310.


14. op. cit., No. 12, p-2799.


17. op. cit., No.4, p-313.


22. op. cit., No. 18, p-114.


25. op. cit., No.1, p-266.


33. Ibid, p-17.


35. Ibid, p-23.


38. op. cit., No.18, p-81.


40. op. cit., No.36, p-33.

42. N. Jayapalan, ‘Indian Administration’, Atlantic Publishers, and Distributors, New Delhi, 2001, p-644.

43. Ibid, p-644.


45. Ibid, p-29.


47. Ibid, p-457.


50. op. cit., No.39, p-433.
CHAPTER IV
ADMINISTRATION AND REFORMS IN JAMMU AND KASHMIR

The State of Jammu and Kashmir formed by the Treaty of Amritsar in 1846, can be divided into six natural regions viz.

➢ The south west plain
➢ Pir Panchal range
➢ Vale of Kashmir
➢ Greater Himalayas
➢ Karakoram and
➢ Ladakh plateau

The South-West plain and Vale of Kashmir are fairly populated having visible socio-economic development. Pir Panchal, Greater Himalayas and Karakoram are covered with forests having negligible population. Ladakh has sparse population with little vegetation and unfavorable conditions for socio-economic progress.

Administration in the Past

The state of Jammu and Kashmir has got very scarce population density (as recorded in census of Jammu and Kashmir 2001) – 99 persons per sq. km. The state also has a divisional setup as,

➢ Division of Kashmir
➢ Division of Jammu
➢ Division of Ladakh
All three divisions having their independent entity, as cultural, religious, environmental backgrounds are having separate anatomy.

**Jammu Division:**

The division of Jammu has the cultural and social aspects similar to that of rest of India. Having existence of not more than 500 years, it was ruled by various rulers. Dogras being the first inhabitants of Jammu, as the name ‘Jammu’ has been affirmed by the Dogra King Jammu Lochan.

Many dynasties ruled Jammu. Initial period saw the ‘Dutt’ dynasty; then ‘Rai Kings’ ruled till 5\(^{th}\) century, the ‘Dhar’ rulers came in about 430 till 9\(^{th}\) century. Smaller kings came to rule the Jammu province finally the ‘Sikh’ rulers from Punjab ruled till 1820.

Council of courtiers, known as ‘Dewans’, carried the administration in this region. They headed each department but mostly, Maharaja himself was the sole responsible authority to employ or dismiss the Dewans.

Maharaja Ranjit Singh, from Punjab had annexed the Kingdom of Kashmir to its territory in 1819 having the central unit at Lahore. Till 1846, the city of Srinagar became the most populous city after the central city of Lahore. In the same year Dogra ruler Gulab Singh from Jammu, made a payment of Rs. 75 Lakhs to Britishers in return of valley of Kashmir creating Jammu and Kashmir as a single state.

**Kashmir Division:**

The annals of Rajtarangini describe Kashmir as a state of kingship. Administration was divided into Kamraz Sans and Maraz Sans
under the dominance of Kamarajya and Madavaraja, respectively. In Pre-Ashokan period, administration of Kashmir was same as Indian states with king or queen ruling the nation. Administration was undertaken under the seven officials:

- The Judge; - the Treasurer; - the Commander of the Army; - the Envoy; - the Purohita and the Astrologer.

These ministers headed their ministries and appointed their in-charges so that there was better functioning. These in-charges known as ‘mandalessa’ held an important position as they acted as a governor to their respective divisions. Civil servants or ‘Kayasthas’ held the highest post and were the main cause of corruption throughout the kingdom. Many foreign invaders changed the administrative setup to suit their needs. Mauryans tried to spread Buddhism in 3rd century B.C., in Ashokan rule, but due to Brahmanical elements it could not establish ground. With its fall of empire in Kashmir, Mauryans increased the number of officials in administration to eighteen, until Laltidatya, the Hindu ruler added five more functionaries in it. Hindu rule lasted from 7th to 15th century, when Muslims, intervened. Many reforms were initiated during this period introducing canals throughout the valley, thus revolutionizing irrigation and averting water scarcity by forcing Jehlum River to flow through the heart of city of Srinagar as ‘Nallah-Mar’, which was one of the main reforms of the time. The Mughal interference in 1587, brought with them the art of making monuments which enhanced the tourism. Afghans also influenced Kashmir, and this period is considered to be the most brutal time in the history of Kashmir. Later the Sikh dynasty and Dogras annexed Kashmir with Jammu province, giving birth to
state of Jammu and Kashmir, in 1846 (Treaty of Amritsar) under the leadership of Maharaja Gulab Singh.

**Ladakh Division:**

Ladakh is the third division of the state having altogether different look regarding social, cultural, religious and geographical setup. It constitutes nearly 70% of the state of Jammu and Kashmir and the historical records show it as non-violent and submissive like the other two divisions, because crime record is very low in the historical figures.

The region of Ladakh has its separate entity and was no-man's land in the initial Christian era. 'Brokpans' from Dardistan inhabited the land in its initial period. While a large portion of the area of Ladakh remained uninhabited till the last quarters of 10th century, when the first historic era of Rajas, started in 990, from Spalkigon. The first muslim invasion in about 1420's under the reign of King Trag-bum-de led to the accession by great Sultan of Kashmir, Zainul-abdin. For nearly two centuries, invasions and raids from Kashmir, Central Asia and laterally Baltistan continued resulting in the establishment of Islam in the Ladakh which had been a rigid Buddhist nation.

Ladakh was divided into two divisions under the rule of king Gyalpo Lachhan Takbomlede (1430-1470). But with the change in the rulers as almost '32' rulers came to power in Ladakh, there was change in the boundaries and divisions also. Then passing through the vicissitudes and cataclysms for about 800 years, met its end formally at the hands of Wazir Zorawar Singh, General of Raja Gulab Singh of Jammu in 1842. However, its first annexation to Kashmir is said to have taken place, after the Chinese invasion around 1642 forced the King of Ladakh to seek support from
Mughal Emperor of then India who defeated the Tibetans in 1650AD. Later, the Ladakh King, Deldan Namgyal (1640-75) accepted Mughal sovereignty.

The administration of Ladakh in the past was established according to the rulers or kings. However, the government was administered by Prime Minister known as ‘Khalun’ or ‘Kahlon’, while King or Emperor had the title ‘Gyalpo’.

The affairs of the state were conducted by ‘Kahlon’ and his position was based on heredity, i.e. only the member of ‘Kahlon’ family could be accepted as a ‘Kahlon’. The administration was decentralized into other levels of officials to supervise the work. The ‘Depons’ acted as District chief then ‘Tan-zuis’ as District level chiefs and the level of functionaries was setup till ‘Goba’ or ‘Mipon’ at the village level. Hence, Ladakh had a well-established administrative system. Although Ladakh was a part of Tibetan religio-cultural empire, though it was never subjected to Tibet politically. Till 1959, Lamas were attached to Lahasa for religious inspiration, but the new generation has started going to universities and other institutes to mix up their culture with new and broad concepts.

Ladakh had an impact on its cultural and other political ethics due to the outstanding events it had to face like:

> Chinese aggression in 1962.
> Opening of Tourist visits to Ladakh in 1974.
> Carving out Kargil as a separate district (1979)
> Induction of Non-Governmental Organisations (NGOs) since 1980;
Agitation for creation of Ladakh Autonomous Hill Development Council and Union Territory (since 1989).

Jammu and Kashmir as a single unit of Administration

Administration of the state of Jammu and Kashmir was shaped and re-shaped by foreigners for centuries (Mughals from Kabul; Pathans from Afghanistan; Dogras from Jammu; Sikhs from Punjab; Tibetans from China and Britishers from Britain) resulting in the imbalance in the administrative setup.

Hakim-i-alla or Governor governed the three divisions of the state. Kashmir had its own Governor while Jammu and Ladakh had only one. The administration was governed from two zones i.e. in Summer, Kashmir was the main head of administration and in Winter, Jammu served as the head of administration. This shifting of administration from the Jammu to Kashmir is known as 'Darbarmove' as the whole 'Darbar of Maharaja' used to shift resulting in the discontinuity in the administration. Corruption was the outcome of this system, as officials were left under their own rule. For example, in revenue system, there was the manipulation in the tax collected by the Hakims, engulfing large portion of tax collected, while Maharaja’s Darbar was in other zone.

Maharaja Ranjit Singh of Punjab, annexed Kashmir with the help of Pt. Birbal Dhar and Raja Gulab Singh of Jammu in 1819. He appointed Nine Governors, but due to monarchy, Governors existed as if independent rulers. Taxation system introduced during Akbar’s rule, suffered a drawback due to the corruption by Revenue officials. There was the lack of educated persons in the state leading to malpractices in administration. Gulab Singh the Raja of Jammu, thus paid for the state to Britishers and made
himself the ruler of the state. Hence, British intervention became a part of administration of the state. Under Gulab Singh's rule, administration was centralized. Administration was also reformed as the political scenario created had shattered the administrative setup.

Later, Maharaja Ranbir Singh made, administrative reforms as the main issue of governance. Decentralization of the government by introducing -

- Daftar-i-Diwani or Revenue Administration.
- Daftar-i-Nizamat or Civil Administration.
- Daftar-i-Jangi or War Department.

Provincial divisions were setup as Districts or Wazarats divided into Tehsils which in turn was divided into Tehsils which in turn into Parganas.

Finance Department was established in 1869 under the Controller of Finance, accounts were kept in Persian language but in improper way as a loose pages, Biannual Report was being published to give factual information concerning administrative progress in various fields. Re-organisation of entire government under the Nizamat department to establish both Muslim and Hindu rules and laws was undertaken. Hence, Maharaja Ranbir Singh himself undertook the Nizamat Department. However, due to change in time, administration lost its symmetry and corruption got enhanced resulting in maladministration and un-organisation in the government undertakings.

With the change of ruler, Maharaja Pratab Singh was crowned with the kingship. In 1887 Mr. Wintage (ICS,CIE) with D.H. Lawrance as his 'Locus Tenans' initiated the operation of
‘Settlement of Kashmir’ to establish a system of accounts in the revenue system, which paved a way for other administrative reforms. Under the settlement department, youths were given training after passing out state schools and were enlisted as Naib-Tehsildars. Preliminary report and Lal Assessment report, were enacted during this period of Maharaja Pratab Singh. The first administrative report in Jammu and Kashmir was testified in 1873 stressing on educational backwardness of the state.

After him, Maharaja Hari Singh came to power. He reformed the administration of Jammu and Kashmir on a large scale.

Some of his reform measures were:

1. Agrarian Relief Act, in which debt of tenants were wiped out.
4. Land Acquisition Act.
5. Infant Marriage Prevention Act.
7. Primary Education Act.

Kashmir was also linked to India through the national highway build with the help of foreign engineers through the Hilly terrains. The main reform during this rule was ‘state subject notification, dated 20th April 1927’. Under this Act, any person...
residing outside valley cannot acquire land in the state, thus saving the cultural ethics and heritage of the valley. Various reform committees were initiated by Hari Singh, Glancy Commission proclaimed on 9th July 1931, to make equal representation of all communities in the administration. Panchayati Raj Act was passed in 1935 to decentralize the power at village level and rural upliftment. Such developmental schemes were initiated during the period of 1900-47. The Jammu and Kashmir state Marketing Board was established in 1935 on the basis of British Indian Marketing Organisation. Banking facilities by way of establishing Jammu and Kashmir Bank Ltd. in 1937-38 was setup. The Silk-weaving factories, the forest office, the canning factory were some of the establishments due to the British interference. The administrative system in Kashmir was believed to be setup in a traditional pattern with the 18 offices of the state. Agriculture, setup as the main source of income to the valley changed with time. For example, the real city population as distinguished from the city and sub-urban population is 118,960 having the following work engagement:\[3\]

<table>
<thead>
<tr>
<th>No.</th>
<th>Occupation</th>
<th>No. of works with their dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Administration and defence</td>
<td>10,482</td>
</tr>
<tr>
<td>2.</td>
<td>Employed in connection with livestock and agriculture</td>
<td>3,246</td>
</tr>
<tr>
<td>3.</td>
<td>Personal and House hold services</td>
<td>11,660</td>
</tr>
<tr>
<td>4.</td>
<td>Provision sellers, artificers and C</td>
<td>65,395</td>
</tr>
<tr>
<td>5.</td>
<td>Commerce and Transport</td>
<td>8,309</td>
</tr>
<tr>
<td>6.</td>
<td>Learned and Artistic Professions</td>
<td>8,371</td>
</tr>
<tr>
<td>7.</td>
<td>Indefinite occupations and persons independent of work</td>
<td>11,497</td>
</tr>
</tbody>
</table>

These results showed the shift of work culture from agriculture to other sources of income.
During his reign, accession in favour of Indian Union was signed on 26th October 1947. Thus, the rule of Dogras ceased as, Democracy was established in the state under the Prime Ministership of Shiekh Mohammad Abdullah of National Conference, which had emerged during the Indian struggle for independence. Thus, Britishers while leaving the Indian sub-continent, made the circumstances such that a portion of Jammu and Kashmir was annexed to India, Some portion to Pakistan while some portion was forcibly taken by China. Thus, the state of Jammu and Kashmir has its existence in India, Pakistan and China which has influenced it a lot. In its initial stage of existence it had to face many oppressions from Pakistan and China. Further the question of granting autonomy to state hindered its progress resulting in armed uprising in the state.

Political Scenario in State Administration

The constitution of the state framed by the Maharaja’s proclamation of 5th March 1948, envisaged the transfer of power to representatives of people, which was in the later years amended by constitutional Order, 1950 (Jammu and Kashmir) and constitutional Order 1954 (Jammu and Kashmir). Although the Maharaja’s rule was of developmental nature, still by the conspiracy of Britishers he was dethroned in 1931. Hence, there was a shift in the interior government of Shiekh Mohammad Abdullah of the National Conference, a party which came out of local uprisings to the Maharaja. Thus, elections to the Constituent Assembly were scheduled in September 1951 and its first meeting was held on 31st October 1951, at Srinagar. The main aim of this constituent Assembly was divided into four main tasks:

1. To devise a constitution for the future governance.
To implement land reforms.
> To decide future of the ruling dynasty.
> To declare its reasoned conclusion about the issue of accession of the state.

In the first years of administration, the state had to face abnormal conditions along with developing new schemes for development. ‘New Kashmir’ was setup as a first reform committee under the developmental scheme of new government. The responsibilities under ‘New Kashmir’ were categorized in some form as:

> Land to the Tiller
> Food storage and distribution
> Irrigation problems
> Education
> Public health facilities
> Industries
> Supplies and co-operatives
> Transport
> Publicity
> Rehabilitation

Although the administration had to face abnormal conditions like earthquakes, floods, foreign aggression, yet the government tried to fulfill some of the requirements. The state was given special status under Art.370 (Indira-Kashmir accord), which in the later stage led to the imbalance in the centre-state relations regarding legal and political aspect. It has been observed by the
D.D. Basu that; 'The federal relationship between the union and the state of Jammu and Kashmir respects state rights more than in the case of other states of the union'.

However, the constitutional framework of union government reveals the union controls over 80% of governmental activities of the states. Further, Art. 356 of constitution empowers President to supersede the democratic process in the state, thus harmonizing centre-state relations.

During the Abdullah regime, Administrative design was not changed and over-centralisation got a shift from Maharaja to Abdullah government. Various committees formulated to make proper implementation of coordinated development of roads and highways, electricity, water works, refugee resettlement, studies in medicine and surgery and other such problems were undertaken. Some Acts were passed to enact administrative reforms like-

- State tenancy Act of 1948.
- Policy of Land to the Tiller, Act.
- Business Rules, for conduct of secretarial work.
- Co-operative council, to de-officialise the co-operative movement.

Some departments were also setup as;

- Anti-corruption department.
- Civil supplies department.
- Relief and rehabilitation department.
- Rural development department.
These Acts and departments were established as administrative reform initiatives. But due to centralisation and lack of implementation on the practical grounds these initiatives were of no use.

As is the universal rule that innovations at the outset seem to have only positive attitude. Hence, the new government of Bakshi Ghulam Mohammad tried to utilize its resources in the beginning. The economic conditions of the state government got enhanced, as the new government increased the tourist traffic by abolishing permit system for travel between Kashmir and other states in 1959.6

Administration was considered able, but corruption rose to its peaks during these years of administration. The failure in the implementation was due to the lack of co-operation of the local people. Inspite of having vast sources of income and infrastructure facility there is lack of resource mobilization.

In the first 15 years of administration i.e. during three 5-year plans from 1951-66, about 64 crores were spent on state in the following way:7

> 17% on agriculture.
> 10% on irrigation.
> 17% on power.
> 22% on social services.
> 18% on transport and communication, rest on other sectors.

But on the overall administrative sector, developmental results were not seen. As the installed generating capacity in the state increased from 4MW on the eve of independence to 27MW on
1965-66,² but still there was no improvement in the electrical shortage, as electricity was to be imported from Punjab. The electric or to say any other department still diverted the tax collected from the citizens to their respective pockets, thus putting government under pressure. In the past, Kashmiri Pandits dominated such issues and now it has become a common practice of all. For implementing such schemes, committees were set up right from the time of annexation of Jammu and Kashmir as an independent state. Some of them include:

- Constitution Drafting Committee (enacted on 26ᵗʰ Jan. 1957)
- Basic Principles Committee (adopted on 12ᵗʰ June, 1952)
- Fundamental Rights Committee
- Land compensation Committee

These committees were in some way of helping nature to reduce the burden on administration and its effectives. There was also a presidential order to dissolution of the constitution of Jammu and Kashmir on 26ᵗʰ January 1957.

In 1958, a ‘coordination committee’ was setup to make proper implementation of states developmental activities. Another committee known as ‘Wazir Committee’ was formed in 1953 to reveal the discontents of the peasentry, but as there were no hard and fast rules to implement the Act, its recommendations were only forwarded as a report in mid 90’s.

In order to curb corruption and make operationalization of these reform committees at proper place, government had forbidden the unofficial meeting of civil servants with the ministers, which could be done only on permission by chief secretary. But, the factor by which the faith was lost in the
government was the introduction of IAS and IPS officers in the state administration. Apart from being political executive in the state, these administrators were interfering in other functions of the state, without having knowledge or experience of the state’s problems, as it was different compared to rest of the country.

Many people were crowned with the leadership of Jammu and Kashmir. Chief Minister, Shamsuddin’s tenure lasted for some months having a miserable failure. Then G.M. Sadiq and Mir Qasim’s tenure, respectively strengthened the centre-state relations but had to go due to the same reason. Hence government other than National Conference could not stand at the power, it came to power in 1975 under the leadership of Shiekh Mohammad Abdullah till he entrusted his power to his son Farooq Abdullah, in 1980. Till 1984 there was shift to G.M. Shah’s rule which lasted for two years bringing with it the Governor’s rule which later turned into Presidential rule. Thus, general elections brought Abdullah on 7th November 1986 till in 2002, People’s Democratic Party (PDP) made a coalition government with congress. This shows the imbalance in the political scenario of the state which in the long run results in the lack of accountability and transparency in the administration as stable minister–secretary relation binds the government administration in a better way enhancing the developmental orientations. “The prime function of any government is the maintenance of law and order and the administration of justice between the state and its citizens”.

In the state of Jammu and Kashmir almost all the agitations resulted due to lack of transparency in the administration. As the agitation started by Shiekh Mohammad Abdullah rose, because the authorities didn’t give scholarship for studying abroad to merit
holders. In later stages of history, the same ‘National Conference’ was depicted as one of the ‘blackest on record’ in the history of Indian states.

Thus, various committees were established to curb corruption. Social safety were established to curb the corruption and help common man to unwind the net of corruption. In the initial years of administration, the state had to face emergency conditions as it was subjected to earthquakes since 15\textsuperscript{th} century till in 1885, shocks were felt from end of May to middle of August killing nearly 3,500 people.\textsuperscript{10} Floods and famines also played a part in suppressing the development of the state.

A commission known as “Gajendragadkar Commission” was setup to inquire into the corruption cases in 1967-68. Another commission as, “Sikiri Commission” in 1979-83 was setup with the membership of Dr. Malcolm, S. Adiseshiah and Dr. A.R.Kidwai, under the chairmanship of S.M. Sikri, former chief justice of India. It was setup to locate the regional imbalance in the three divisions of state i.e. Ladakh, Jammu and Kashmir. The terms of reference of Sikri Commission were categorized as:\textsuperscript{11}

- Review of policies underlying development programs.
- Allocation of financial resources between different regions.
- Within district administration units thereof.
- Recommendations of measures – constitutional or other to remove imbalances, if any with a view to.
  - Ensure equitable treatment to all regions of the state and to district administrative units within such regions.
To bring a sense of satisfaction in the integrated development of the state among the people living in such regions and among district administrative units with such regions.

In 1958, a committee was formulated under the chairmanship of Peerzada Ghulam Mohammad, the then Chief Secretary and P.N. Chaku, the Planning and Finance Secretary as Convener of the committee. The main aim of this six-member committee was to see that there is proper implementation of the developmental activities of the state.

Another committee known as ‘Screening Committee’ was setup in 1987, to overcome corruption by way of giving assets to the civil servants above the age of 50.

Government of India, setup a committee in 1961 to enhance the relationship between centre and state governments of Uttar Pradesh and Punjab and to secure collaboration in making plan and its implementation effective. Such plans could be setup in the state of Jammu and Kashmir also to make effective and responsive administration.

P.L. Handoo, while suggesting about the need to bring secularism in the state has suggested, to speed up the effort of making India a secular state and keep up the promises and pledges made to the people of Kashmir.\textsuperscript{12}

**Strategies for Accountability and Transparency Studies**

Committees are formed to solve the short comings faced by any kind of system, on innovative grounds utilizing technological skills. A committee finds the facts for analysis and acts on the recommendations setup to sort out the problem and for better
operationalisation of these plans and projects. However, these recommendations cannot be applied to solve all such problems relating to them. It acts as if with the nature of 'electron' which acts as a wave when required and as particle to suffice the need of the time. In this way, a committee cannot act in both ways to change according to the situation. That is why developed countries like Japan don't rely on such committees to solve their problems but they believe in contingency exercise, which has enhanced their developmental efforts. Japans bureaucracy is one of the smallest in the world but its efficiency is more than its expenses.

In India, the reform committees are not applied in real practice but have got a pedagogical nature of book-keeping. This brings the Indian administration to a standstill inspite of having one of the best quality personnel of the world. Thus, unless there is proper implementation of plan, it's unique features have no significance.

Administration of a nation can be defined on the basis of style of government, which can be based on two things:

➢ The speed and efficiency in implementation of a plan.
➢ The responsiveness of the people.

After independence, many reform committees were setup in the state of Jammu and Kashmir. Some of these committees got the acknowledgement while others are still to be implemented. Reform initiatives were planned in order to solve the pending issues of the administration.

In February 2000, Chief Minister Farooq Abdullah, during a visit to Changthang, assured the 'changpas' that the Wool Board would be directed to produce Pashmina wool from changthang to
save Pashmina growers from middle men. This was done as a result of the ‘Tingmorgan Treaty’ of 1684, which guarantees that Pashmina from Ladakh would find it’s way exclusively to Kashmir loaners, which existed as the Jammu and Kashmir governments Pashmina Control Order. This has resulted in lowering the price of Pashmina and endangering the rearing of Pashmina growers.

Another committee was setup in 1959, under the Bakshi Gh. Mohammad to establish a rail-link between Kashmir and rest of country, with the beginning of line upto Kathua, a few miles inside Kashmir territory within same year. But it was of no use as till now no funds have been supplied for the construction and we have seen two inaugural ceremonies, one in the rule of Farooq Abdullah when I.K. Gujral (PM), came to lay foundation stone of (Udampur Baramulla) rail project and next when A.B.Vajpayee is expected to come to lay foundation stone for the railway station. The example of the rail-link is best suited one to explain the implementation delays and non-utilization of funds.

Some projects may be said to have suffered from the armed uprising, as the Dul Hasti Project (Hydro-Electric-390MW) was inaugurated in 1983 under the supervision of central water commission investigations of 1970-71. But due to the unbridled character of administration, its work was suspended in August 1992 and has now restarted in 1997 to be scheduled to be complete till 2003. Centre has initiated the Operation Black Board (OB) scheme in 1984 under the National Education Policy (NEP), for the universalisation of elementary education at state level. In Jammu and Kashmir, this scheme was initiated, in 1980’s but is still to face the proper implementation, as funds for buildings have been sanctioned without completing the building.
Various committees were established in the state to curb the mal-practices in administering education like:

- Sharp Committee in 1915.
- Saiyidain Committee in 1939.
- Kazmi Committee in 1950.
- Sahay Committee in 1972.

The final structure of educational setup by these committees to organize the work in hierarchical order can be seen in the given Chart.¹⁹

In the state of Jammu and Kashmir agriculture is one of the main source of income. Hence, Agrarian Reforms were given more importance than the reforms in the administrative sector. However, some main reforms undertaken by the Department of Administrative Reforms and Public Grievances and the Department of General Administration can be categorized as:

- Moosa-Raza Committee.
- Accountability Bill.
- Municipal corporations Act.

**Chief Secretaries Conference**

Chief Secretaries Conference was held in November, 1996 to emphasise on the basic human needs and centre-state relations by identifying the basic human needs of the society, with the emphasis on seven requirements i.e.²⁰

- Co-operative Federalism.
Chapter IV

The responsiveness in all levels of society along with transparent and accountable procedures forms the basis of centre-state relations. The process of decentralization, which formed the basis of independent India, need stress as Panchayati Raj Bodies as a model of administration. While village level development councils at the rural level and municipal bodies at the urban levels of local administration can form the basis of administration.

The minister politics nexus on the level of criminalisation has led to the low level of transparency, accountability and responsiveness of the administrators and ministers. Thus, reforms in areas involved in the public participation is a must to make the ‘enabler’ and ‘facilitator’ responsive. In order to avoid overlapping in ministerial and departmental roles, policy formulation should be separated from policy implementation. Concern should be on objective analysis by introducing consumer orientation and quality management through citizens charter. Training can be given a boost with innovative measures like Total Quality Management (TQM), Critical Path Method (CPM), PERT. Improved quality can be had from harnessing Information Technology (IT) through e-governance. For responsive administration, re-structuring of the civil services and the re-orientation of the values and attitudes makes the administration
committed to developmental schemes. This conference has given importance to three main factors i.e.:

a) responsive administration

b) transparency in the administration

c) constitutional commitment

*a) Responsive Administration*

Accountability of the civil services has got a broader view of governance with the provision of various services and performance of tasks. It requires consumer orientation valuing money on the economic or fiscal basis.

**Measures to enhance accountability:**

- Whenever, there is transparency in government functionary, there will be accountability.

- Accessibility of citizens to information relating to government operations and decisions.

- Adopting the quality standards on the basis of U.K. and Hong Kong model of public services; with the institution of citizen’s charter on the lines of consumer organisations in India.

- Grievances Redressal Cells to be setup at all levels.

- Information regarding government benefits and schemes to be made public.

- Empowerment of rural and urban local bodies.

- Citizen’s participation in the schemes affecting their living standards.
Chapter IV

Judicial reforms for quick and inexpensive justice.

b) Transparency in the Administration:

Civil services can be free of corruption only when there is proper use of checks and balances in public power. The responsiveness in administration depends on:

- The devolution and delegation of responsibilities.
- Adherence to clear ethical standards.
- Consultation and participation.

These factors if inferred in proper way can curb the corruption and clean-up the civil services on a large scale.

Measures:

- Charter of Ethics and value system for the civil services.
- Prompt prosecution of corrupt persons.
- Vigilance to be activated for speedy actions.
- Time-limit to be fixed to ensure greater accountability.
- Hong Kong model to curb corruption.
- Efficiency and Integrity review after 20 years service on 45 years of age.
- Remuneration to civil services on the basis of east Asian Governments.
- Root cause of low morale to be activated by installing a credible and participative system of performance appraisal.
- Reduction of recruitment age for better entrants.
Chapter IV

Resistance to corruption and misuse of power by superiors along with their subordinates.

c) Constitutional commitment:

Constitutional principles should be made a fundamental priority and civil services code should be based on Government of Thailand. Responsive administration to be made vulnerable.

Measures:

➢ To adopt civil service code and charter of ethics.
➢ Civil servants and politicians should develop constitutional understanding.
➢ Office of profit should not be held by appointing members of state legislature and parliamentarians for acting as watchdogs.
➢ Constitution of high-powered civil service Board for appointment, etc.
➢ To ensure disciplinary proceedings against modifications of the existing rules by the officers.
➢ Distinct civil service Ombudsman and Administrative Tribunal.
➢ Encouragement to building of partnership between stakeholders in civil society and administration to have sense of governance.
➢ Responsive government can be thus had by sustained ethics in government and commitment to the rule of law.

Thus, the chief secretaries conference needs a debates to be done on various fields of society in order to have proper implementation of these recommendation and suggestions. State
and central governments have to arrange for conferences and seminars with the help of channels of communication to make proper and widest possible representation of different sections of society. To implement this, Chief Minister's conference was held in May 1997 to make a discussion on the Agenda for Effective and Responsive Administration undertaken by Chief Secretaries Conference in 1996.

**Chief Ministers Conference**

Inter-state councils setup at all levels of administration enhance the governance by the conferences at various levels between centre and state for proper implementation of administration. These conferences are established on the Ministerial basis, as for example Food Ministers Conference, Finance Ministers Conference, Chief Ministers Conference or Chief Secretaries Conference.

Right from the independence, these conferences have been organized like the Chief Secretaries Conference was held on 7th and 8th May, 1976 in New Delhi. It stressed on administrative improvement and personal management. Recommending almost 80 points, like

> Setting up of Department of Personnel and Administrative Reforms with the existing number of personnel in the administration.

> Earmark a day for grievances redressal in every department.

> Administrative co-ordination should be setup at district levels.

Another Conference of Chief Secretaries was held on November, 1996. It's report was implemented by respective chief Ministers of the states which was held on May, 1997. The ARC report of the conference of chief Ministers in 1967 suggested,
'Many of these items could easily have been disposed of at lower levels and their inclusion could not have resulted in the best utilization of the time of the chief Ministers.'

The agenda includes the items for the chief Ministers Conference in 1964 as:

**Items Included in the Chief Ministers Conference:**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Conference</th>
<th>Items of agenda</th>
<th>Natures of issues involved</th>
</tr>
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</table>
| 1     | Chief Minister’s Conference (24-06-64) | 1. Vigilance commissions for states.  
2. Lotteries and raffles  
3. Central financial assistance to victims of communal disturbances  
4. Amendment to the law of elections in respect of ceiling on election express.  
5. Separation of judiciary from the executive.  
7. Introduction of a provision in the recruitment rules making future entrants to engineering and medical services posts under state governments liable to service in the Armed Forces on or work connected with Defence.  
8. Arrangements for manpower planning at the state level.  
9. Central security force for industrial undertakings. | Super Departmental  
Departmental  
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Super Departmental  
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Do |
| 2     | Conference of state Chief Minister’s (19-07-66) | 1. Economy in government expenditure, price control including opening of departmental and consumer stores. | Departmental |
The Chief Ministers Conference was held on 24<sup>th</sup> May, 1997 to discuss an Action Plan for Effective and Responsive government at the central and state levels to bring initiatives at the Conference of Chief Secretaries on 20<sup>th</sup> November, 1996 on the practical grounds.

In it’s inaugural address, Prime Minister made the statement of J.L.Nehru as the basis of good governance i.e. “belief in fair play and integrity.” Importance was given to a systematic and continuous review of outdated laws and procedures. Further the rules framed under the laws need to be reviewed so that their basic aim may be fulfilled. The right to information needs to be given to combat undue secrecy in government, thus declining the corruption. Action plan to be provided may undertake a credible and implementable therapy.
The proceedings of the conference are summarized as:

- Accountable and citizen friendly government.
- Transparency and right to information.
- Improving the performance and integrity of the public services.

In response to recent development trends, UNDP report, world Bank Development and other such reports suggest the measures for administrative reforms in India in comparison to reforms in other nations. The Hong Kong Model to deal with the corruption, reviews the administrative structure on the basis of British Executive Agency, and constitutional adherence on the Thailand model. To make it’s implementation in the Indian context, there should be proper utilization of these reports, economic reforms, policy formulation, execution in proper way, re-delination in the context of co-operative federalism, decisions and transfer of centrally sponsored schemes with the implementation of 73rd and 74th constitutional amendments. Hence sustainable developments needs to be tackled at the macro-levels.

Accountability brings with it greater transparency and is related with citizen-oriented administration having the main thrust on the satisfaction of the people who in turn are responsive to their heads of the department and the Minister concerned having to face the Parliament. The limitations of this conference to implement the reform committees proposal can be delineated as:

- The citizen’s charter for Departments and Offices needs to be operationalised within next three months.
- Redressal of Public Grievances can be streamlined over the next six months.
Chapter IV

➢ Simplifying the existing laws within one year by bringing simpler, transparent and single-window based system.

➢ Secrecy and lack of openness in transaction is responsible for corruption in official dealings.

➢ Work group on right to information and introducing a legislation for freedom of information and amendments with the Official Secrets Act, 1923 and the Indian Evidence Act.

➢ Computerization of all information with the introduction of administration of justice.

*It can be made citizen-friendly*

➢ If it is adhered to ethical standards.

➢ Commitment to basic principles of constitutional amendments in the existing rules.

➢ Legal provisions in central and state governments.

This conference brings in account the efficiency needed for the responsiveness of the civil services. These are short listed by P.S.A. Sundaram as,

➢ Agreement with the political leadership on institutionalized systems for stability of tenure and placement of officials.

➢ Comprehensive assessment of various factors which have a bearing on motivation, incentives, productivity and working condition of the civil services on the basis of recommendations of the recent pay commissions.

➢ Steps to curb corruption practices, prosecute offenders quickly and to install a regime of self-regulation through code of ethics for public services.
Such reforms setup by the Chief Secretaries Conference were to be implemented on a large-scale. Further the time-bound schemes were to be implemented and for reviewing its progress, Chief Minister's Conference at the end of the next year should be operationalised. Hence, a resolution was passed in the Chief Ministers Conference as, “The states welcomed the initiatives taken by the Prime Minister towards more Effective and Responsive Administration and stated that these initiatives are important and timely. It was agreed that each state would work for the implementation of the Action Plan, making appropriate allowance for variation on local circumstances. Necessary political will to implement these will be essential. The progress will be reviewed in six months”\(^{27}\).

This resolution depicts that there should be proper co-ordination of administrative reforms in the work place. The conference convened by Chief Ministers was to review the progress in the implementation of these recommendations.
References


2. Ibid, p-23.


13. op. cit., No.1, p-270.
Chapter IV


27. op. cit., No. 25, p-7.
CHAPTER V
PANCHAYATI RAJ AND MUNICIPAL CORPORATION ACTS

As is the fact that small committees have better coordination, higher efficiency and proper distribution of work. Further the small number of workers in a particular organisation, helps to increase their remuneration, enhancing the relations between officers and staff. The scheme of Rahbari-i-Taleem in Jammu and Kashmir, acts as an example of decentralization scheme. Moreover, the internal small problems can be tackled within the locality unit for implementing a plan. Hence, special project organisations have been established like DPAP, SFDA, ITDP and CAD for executing such plans. However, experiments have lack of planning skill in the implementation machinery. These organisations exist for the funding purposes mainly and often find it hard to get their work done through the regular line departments who do not like to submit themselves to the discipline of project organisation, resulting in the benefit of such projects/schemes to non-deserving persons.

Land being the basic productive asset in the rural areas, continues to be under an influential minority of the landed elite. Small scale farmers have inaccessibility to the governmental favours, due to the lack of access to the organized marketing where they get a reasonable price for their product.

All India Panchayat Parishad (AIPP) thus acts as a watchdog of the interests of the Panchayati Raj Institutions (PRI’s). Various package plans are being undertaken as, Intensive Agriculture District Programme (IADP), Co-operatives, Intensive
Maneuvering Scheme, Special Purpose Organisations (SPOs), Small Farmers Development Agencies (SFDA). The problem of leakages, in the sense of spill-over of benefits from target groups to non-target groups has thus, come down.

**Panchayti Raj Bodies**

Panchayati Raj is an all-India phenomenon, having constitutional unity with socio-economic and cultural differences in the lower levels of society. It relates the central values of society to the remotest geographical units as Haryana, U.P., Punjab, Rajasthan and Jammu and Kashmir. However, since the inception of Panchayats throughout India it has not been changed on a large scale, although amendments regarding Panchayati Raj Acts were done from time to time, but their implementation on the practical grounds became a mere story. Thus, it needed highly activated programmes. Objectives could be achieved by using various innovative techniques like TQM, MBO. Further, the feedback should be made the criteria for observing the operationalisation of these amendments and objectives.

World Bank Sector Policy on ‘Rural Development’ (1975) stressed on local bodies of governance as, “Local control provides the flexibility for the proper integration and timing of activities and for the modification of programmes in response to changing conditions. Community Development, which is essential to a sustained development process, is generally facilitated by local rather than centralized control. One particular advantage is that the problems of the community, as perceived by it’s residents and those imputed by local officials, tend to be more easily reconciled.”

1
Local-Self government was introduced by Britishers to suppress the local upsurgings of the Indian people. As a result of which, enactments were introduced as:

- Bengal Local Self-government Act, 1885.
- Village Self-government Act, 1919.
- Bengal Municipal Act, 1884.

In the later periods of Indian constitution (independent), changes were made in the Directive Principles and included in the constitution of 1949, Art.40 as: ‘The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government’.

The ideas so evolved, culminated in the passing of constitutional 73rd and 74th Amendments Acts, in 1992, which inserted parts IX and IX-A in the constitution, while part – IX relates to panchayats containing Articles 243 to 243 – O, Part-IX-A relates to the Municipalities, containing Articles 243P to 243Z. The provisions in Part IX and IX-A are more or less analogues.

Further, the introduction of community development programmes led to the establishment of Panchayati Raj Institutions (PRIs) in 1957. Also the rural development in India has a vast size and diversity in order to make administration effective and responsive and to improve the standard of living in the rural areas. The mobilization resources is an important factor to enhance development in rural areas. Uma lela has suggested three main developmental efforts for resource mobilization in the African
context which can be implemented in the Indian context also. These efforts are categorized as:

- Mobilization and allocation of resources so as to reach desirable balance over time between the welfare and productive services available to the subsistence rural sector;
- Mass participation to make sure that resources are allocated to the target groups and that the productive and social services actually reach the group; and
- Making the development process self-sustaining in terms of development of appropriate skills and implementing capacity and of institutions at different levels to ensure effective use of existing resources and foster mobilization of additional financial and human resources.

The Panchayats can thus be given some responsibilities to be fulfilled in order to operationalise schemes and projects at lower levels. Hence 11th schedule distributes powers, authority and responsibility between the state legislatures and the panchayats in the order the 7th schedule does with union and state legislature.

**Panchayati Raj Committees and Schemes**

India, being mainly a rural country, as per census of 1971, 79.8% live in rural areas which increased in figures as 1991 census showed 80% live in rural dominated areas. Panchayats thus truly form the backbone of Indian democracy. Panchayats were established in 1959 under Balwant Rai Mehta Study Team starting from Rajasthan, thus making it the first state to implement the Panchayati Raj System.

Several committees were appointed by state and central governments like Balwant Rai Mehta Study Team (BRMST) and
almost two dozen and odd study teams in order to fit them into over-arching (village-to-district) structure of Panchayat Raj, which was institutionaised in the wake of proposals by BRMST. Hence, need arises to see how far these projects have been deployed for useful purposes.

Similar, committee known as Ashok Menon Committee gave it’s report in 1977 by giving 100 recommendations. These aimed at lending the executive support to the executive, action at field level, innovative suggestions to reform techniques of administration could be setup from the field administration itself. Hence main aim of this committee was Panchayat’s struggle against feudal and capitalist modes of appression and exploitation.

Similar other committees were setup as, Dantwala working group report on Block Level Planning, which recommended for the upliftment of rural areas. Hence, the system of Panchayati Raj Institution was setup in the Indian Federal System.

In 1964, Santhanam Committee recommended on the participation of political parties in Panchayati Raj election. Another committee under D.S. Bhuria, as chairman was setup to extend 73rd Constitution/Amendment to Scheduled Areas (resulting in Panchayati Raj Bill, 1996).

In the initial stages of Panchayat Raj Institutions (PRIs), there was a shift from this aspect of community development to target groups. Programmes and projects were established to define rural development in developing infrastructure, civic development, unemployment, social services, etc. Then the structure of PRIs was setup with three-tier body in the Indian federal system.
Panchayats and Municipalities are three-tier system having the constitutional sanctions to these building blocks with the operationalisation at the grass-root levels. The three-tiers of panchayats and Municipalities can be categorized as shown in Fig. 4.

**Implications of Panchayats/Municipalities as the third Tier of Governance on India’s Federal Structure.**

Thus, distinction between PRI’s from other local bodies is being depicted. This enables the involvement of all governmental functions at lower levels of villages also, enabling all classes of society to participate in the working of the government.
Neutralization of the PRI's is to be highly maintained in Panchayati Raj Elections so that politics could not mix-up with village administration. These bodies also fulfill the main aim of democratic governance to serve the people, as it brings awareness among the government servants that their accountability to the public is among the basic pillars of democracy. Hence decentralized government brings in it accountability and responsiveness at all levels of society.

Thus, democratic decentralization paves the way for making effective the administrative plans and projects in such a way that implementation at grass-root levels is taken by PRIs. New techniques in various fields should be made accessible to the remotest areas for utilizing these technologies by all levels of government and enhance development in all levels.

It was thus given importance along with decentralization throughout the history. The 1\(^{\text{st}}\) plan incorporated the village panchayat and district development council. In 2\(^{\text{nd}}\) plan, Panchayati Raj Institution was introduced in 1957. The 3\(^{\text{rd}}\) plan stressed on decentralized planning and 4\(^{\text{th}}\) plan initiated various schemes for development of agricultural agencies. In 5\(^{\text{th}}\) plan, Ashok Mehta Committee was setup in 1977. In 6\(^{\text{th}}, 7\(^{\text{th}}\) and 8\(^{\text{th}}\) plans district level planning was given importance. In 9\(^{\text{th}}\) plan, 73\(^{\text{rd}}\) and 74\(^{\text{th}}\) Constitutional Amendments have been given a boost. Thus, throughout the Indian constitution, Panchayats and Decentralization was given the importance. Many schemes were established for rural upliftment. However, their implementation or authenticity could be setup by the Panchayats under the village Panchayat or Gram Sabahs.
Some schemes undertaken were as:

- National Social Assistance Programme (NSAP); a social service scheme which came into effect on August, 15th 1995. In 2001-02, NSAP was estimated at the cost of Rs.635 crore. It assisted many other schemes like National Old Age Pension Scheme (NOAPS) to assist the old age persons. National Family Benefit Scheme (NFBS), and National Maternity Benefit Scheme (NMBS).

- Pradhan Mantri Rozgar Yojna; launched on 2nd October 1993 for the permanent residents of rural areas for at least three years. Desert Development Programme (DDP) and Drought Prone Areas Programme (DPAP). These two schemes undertake the hot and cold zones of the country. These schemes have been introduced in the states of Jammu and Kashmir and in Himachal Pradesh, as cold zones of the country.

- Integrated Rural Development Project (IRDP); was conceived on March 1976, while initiated in 1978-79 with effect from 2nd October 1980. It came into existence to undertake the work of smaller schemes like SFDA, MFAL, DPAP as their working was hindering the progress of the funds given by the centre.

- Training of Rural Youth for Self Employment (TRYSEM); was launched by the central government on 15th August, 1979 to give training to youth for raising employmental schemes for their own benefit.

- Jawahar Rozgar Yojna (JRY); was implemented through village panchayats. In April 1989, the ongoing National Rural Employment Project (NREP) and Rural Landless Employment Guarantee Project (RLEGP) merged into a
single rural employment project/programme as JRY i.e. Jawahar Rozgar Yojna. Since 1993-94, the JRY was being implemented under as Million Wells Scheme (MWS) and Indira Awas Yojna (IAY); allocation of funds and work to 120 identified backward districts and other innovative projects.

Swarnjayanti Gram Swarozgar Yojna (SGSY); took its effect from April 1999 by merging IRDP and allied programmes such as TRYSEM, DWCRA, SITRA, MWS and GKY. This aims at covering all aspects of self-employment namely organisation of rural poor, training, participatory approach to planning of self-employment ventures and provision of infra-structure facilities, technology, credit and marketing arrangements. However, the schemes is yet to be grounded firmly.

Basic Minimum Service (BMS); has been introduced as a centrally sponsored scheme for States/UTs. In 1996, conference of Chief Minister's reviewed the availability of BMS to the people and introduced in 1996-97 the separate budget head for BMS. Since then, each year. Central Assistance (CA) has been provided for BMS in the central budget.

Pradhan Mantri Gramodaya Yojna (PMGY); has been established in 2000-01 to achieve objectives of sustainable development (human) at lower level. It has been initially provided Rs. 5000 Crore under the Planning Commission's co-ordination and the assistance of the centre.

Mid-day Meal Scheme, Insurance Scheme, Small Farmers Development Agencies (SFDA), Community Development Project (CDP) and Integrated Rural Development Project (IRDP) are some of the schemes which are being finally
selected to benefit the affected and deserving classes of society through village Panchayats or Gram Sabhas. But due to lack in proper implementation such schemes appear to have flaws.

Many such schemes have been launched for rural upliftment. But these schemes can be implemented only when there is decentralization of power in the local level of administration. This can be done by bringing Panchayati Raj bodies into enforcement. The amendments from time-to-time are affected in order to make more accessibility to the grass-root level by bridging the gap between the bureaucrats and the down-trodden levels of society. The whole concept of Panchayati Raj system evolved on the Gandhian principle of ‘Gramswaraj’. The village level of society was given importance according to the Ancient Indian concept of five-tier system of Panchayati Raj body depicted in the form of pyramid where the lower broad level constituted the community of villages with the increase towards the top. 

![Five Tier System of Ancient India](image-url)
Reform Initiatives

Amendments were made like the 73rd Amendment Act, 1992 enforced on 24th April 1993. After the constitution 73rd and 74th Amendment Acts, almost all the states have enacted laws vesting various degrees of powers of self-government in the hands of panchayats. Main features of 73rd Constitutional Amendment Act, 1992 can be summarised as:

- Provision for establishment of mandatory three or two tiers of PRIs.
- Regular elections to panchayats.
- Legal status to gram sabhas.
- Reservation of seats for SC/ST and women.
- Setting-up of Independent State Finance Commissions for strengthening of finance of local bodies at all levels.
- Constitution of Independent State Election Commissions.

Panchayati Raj Act 1996, is the extension of Scheduled Areas which extends the role of Panchayats to Tribal Areas. This is framed in accordance with the recommendations of the Bhuria Committee under the chairmanship of D.S Bhuria set-up by the union government on July 1994 to suggest proposals to extend the 73rd Constitutional Amendment, to the Scheduled Areas. However, it was enforced with the conference of Ministers of Panchayati Raj of the states held on 11th July 2001 in New Delhi. The conference pointed out some conclusions, stressing on the on-time and regular elections by completing the process of devolution of power with regard to all the subjects (29) listed in the 11th schedule. The District Planning Committee till December 2001 was established.
Further, the representation of women in Panchayats and municipalities in India is 1/3\textsuperscript{rd} of the offices of chairpersons at all levels in rural and urban bodies for them. This leads to 7,16,234 women representatives holding the elected positions in the country, except Manipur (data not available); Bihar and Jammu and Kashmir where the elections are not yet held.\textsuperscript{8} These reform committees also gave suggestions to these Acts or Amendments. In 1996 chief secretaries conference while dealing with devolution of power to panchayats, suggested:

'for better employment of elected local bodies, decentralization to the village panchayats should be given much improvements.'\textsuperscript{9}

Chief Ministers Conference 1997, also stressed on people's participation, decentralization and devolution of powers to strengthen people's participation and dedicated voluntary agencies by initiating steps by state governments.

The state of Jammu and Kashmir was among the six states to introduce legislations to establish village panchayats on a statutory basis. Further village Panchayati Raj Act was introduced in 1958 with amendments in 1973 by adding Schedules I and II. In Jammu and Kashmir, number of Panchayats in 2000-01 were 1462, and number of delimited Panchayats 2700.\textsuperscript{10}

The administrative reforms report by Department of Administrative Reforms and Public Grievances and Lal Bahadur Shastri National Academy of Administration, Massorie on May 2002 in New Delhi, has promulgated the power of panchayats as institution of self-governance through Panchayats Act, 1996, extension to the scheduled V areas. Further the constitutional status is given to local bodies through 73\textsuperscript{rd} and 74\textsuperscript{th} Amendment Act, which will be initially the process of elections after every
five years to the three tiers of Panchayats and Municipalities. States having population above two million have three-tiers of panchayats and municipalities.

In Jammu and Kashmir, a bill was introduced to provide constitutional status to the Halqa Panchyats, Block Development Councils and the District Planning and Development Boards. It also promotes and develops Panchayati Raj in the state as a body of level staff government to bridge the gap between people and the administration. Thus enhancing effectiveness and implementing the development programmes. It was enacted by the state of Jammu and Kashmir, as Jammu and Kashmir Panchayati Raj Bill 1988. It has given the rules and regulations for all the three levels of Panchayati Raj.

Thus, the main aim and objective of the Panchayats in the three-their system can be summarised as:

a) Preparation of a plan for economic development and social justice.

b) Implementation of a plan for economic development and social justice.

c) To levy, collect and appropriate taxes, duties, tolls and fees.

Role of Municipal Corporations

'Municipality' as a term was first used in 1970 as a primary urban political unit having corporate status and usually powers of the self-government.

Urbanization is one of the facets which lead to the downfall of rural upliftment. The sudden increase in the administrative bureaucracy has led to the maladministration. To reach the people
of all sections, the major step of decentralization at all levels of society needs to be taken.

Panchayats at the village level and Municipalities in the big cities, as the state government cannot undertake both works at the state level as well as in cities. Hence lower tier units have been setup. These act as a link between the villages, cities and states.

Thus, decentralization brings the administration in friendly relations with the citizens as administrators remain client-oriented and development-oriented. Hence the officers in-charge come to the ground reality of the problem.

The municipality is the main factor responsible for the proper functioning of the state government as these bodies assist the state government to undertake certain public services. Some private agencies assist the municipality in collecting waste and transportation.

Municipality in terms of corporation can be described.

**in elemental sense as;**¹⁴ local public corporation whose main purpose is to govern the affairs of area under it’s jurisdiction.

**in corporate term as;** A body created by incorporation of people of a prescribed locality and invested with sub-ordinate power of legislation, for the purpose of assisting in the civil government of the state and of regulating and administering it’s local internal affairs.

Municipality is governed by it’s own elected council. It has to be regularly controlled, supervised and guided occasionally by the state government to act as a bridle to curb its malpractices, so that there is a balance between the administrators and the citizens.
Thus, state administration has to look up for the proper functioning of the municipal corporations.

In the Indian context, municipal administration has got a history dating back to Harrappan and Mohenjodaro era of 3rd millennium B.C. The reconstruction from archeological evidence shows the social organization with political and administrative control having cultural uniformity. The well-established Municipal government was first introduced in India in 7th century in Madras, with the establishment of a Mayor's court in the three presidency towns in Bombay, Madras and Calcutta in 1726. The authority to these officials by Governor-general was undertaken by the Regulatory Act of 1773. Later, in mid 19th century, the work of public local services was also undertaken by these local bodies.

In 1870, local self-governing bodies where strengthened through municipal bodies by Resolution of Lord Mayo. Thus, autonomy of provinces with regard to local bodies was established through municipal bodies and other local bodies resulting in the provincial autonomy. Hence, District Planning Committee (DPC) and Metropolitan Planning Committee (MPC) were established at institutional level and metropolitan areas, respectively. DPC, was established to make a draft of developmental schemes, prepared by Panchayats and Municipalities.

The number of these corporations increased with time, for example, in 1947, there were only three corporations and in 1969 it arose to 30.

The excavational evidences of the planned manner of cities and towns unearthed from the modern day China, India, Egypt, Asia, America, et-al show the different ways of establishing these cities but the main concept of developmental techniques is there.
In Canada, the techniques of Municipal Bond Bank (MBB) in 1956 and American Municipal Bond Banks in 1970, were adopted. The municipal benefits of these Bond depend on the rating and size, inversely. So, there is no need to worry about the red-tapism. But in turn it increase the marketing of municipal bonds by having bond insurance, reducing investor risk. Main aim of these municipal bodies should be well-being and protection of common citizens, through the local bodies like the educational facilities via libraries and other local services. The reference of the technical usage of information system to execute the proper functioning of government is shown in figure below. This can be utilized in our system of administration:

![Diagram of a typical executive information system]

**Executive works station: Structure of a Typical executive information system**

On the similar grounds the state of Jammu and Kashmir has created municipal body in the summer capital, Srinagar as Srinagar Municipal Corporation Act, 2000. Various rules and regulations
have been described as Jammu and Kashmir government under XVII chapters, each describing various aspects of municipal corporation. Chapter I, briefs of preliminary contents about the definition regarding title, extent and commencement and other definitions regarding municipal corporation.  

Similar such functions, laws, regulations, et-al are being described in this Act, which has been provided as 74th constitutional Amendment Act to provide constitutional structure and mandate to the local bodies.

In the state of Jammu and Kashmir, two municipalities under the Srinagar Municipality and Jammu Municipality consisted of 18 members of whom, 11 elected and 7 nominated without having any change in the constitution of the committee. While the Jammu Municipality, consisted of 16 members, out of whom 10 were elected members and 6 nominated.

However, the Srinagar Municipality Corporation Act, 2000, has been incorporated in its fuller term, due to the lack of timely implementation process and the lack of well-arranged articles therein.

**Decentralized Planning in Jammu and Kashmir**

In the past, administrative functions were intermixed with military command. Government had the function in the political community as for tax collection, raising of armies, maintainance of law and order and to make contact with the people of the nation. The concept of 'Prefectoral system' adopted by Napolean is one of the earliest forms of decentralization. In this system, the national government divides the country into areas and places, a
perfect incharge of each. As the perfect represents the whole government, specialized fields are under his supervision.

Colonialism by the Britishers is also a part of decentralization, as each colony was headed by its own system of administration, and each being linked to the Queen at the Centre.

In French usage, decentralization is a term reserved for the transfer of power from a central government to an aerially or functionally specialized authority of distinct legal personality.\(^{27}\) Democracy can be carried to the remotest villages by way of decentralization process.

Decentralization was initiated in India by Richard Southwell Bourke Mayo, in 1869 in the Finance sector to promote development of public works, railways, irrigation schemes and other developmental functions. Concepts of centralization and decentralization are not confined within boundaries, as the problem of decentralization is confronted the world all over. The formation of local self-government is the alternative to decentralization, as the former is the outcome of the latter. Delegation of power is also an alternate to administrative decentralization, in a geographical setting.

The concept of decentralization of power, as given by Mr. M. Ananthasayanam, the speaker of the Lok Sabha in his parliamentary documentary, while addressing 25th conference of presiding officers of legislative bodies in India, which opened in Hyderabad on January 21st said, ‘Decentralisation of power down to the village level was necessary to give content and meaning to democracy and to avoid any possible lapse into a dictatorial form of government’ and further added, ‘In our federal structure power has been distributed between the centre and the states. Like-wise,
power in the states must also be distributed among the districts and villages. There must be a popular government in the different units clothed with autonomous power over the particular subjects assigned to them. That is the only guarantee against any arbitrary power being exercised by any individual or group in any part of the administration. 

Dynamic nature is thus the main aim of the democratic nation, hence distribution of power should be such that a link is created between centre and state so also at district and village levels. It helps in democratizing the nation at the grass-root levels also. Thus, decentralization involves the transfer of power from a national level to a sub-national or to lower levels.

Decentralization can be understood by various terminologies. In political terminology, it provides the structure for delivery of the fundamental objective of providing services to the common masses. In economic sense, financial assistance and marketing the products at lower level to the common people.

Institutional decentralization provides the framework for increasing the efficiency with proper initiatives to the performance of the services.

In Jammu and Kashmir, the process of decentralized planning was initiated in early 60's under the "Single-Line Administration" scheme in Ladakh division on the basis of experimentation due to its isolation from the rest of the state. Power was delegated to the Deputy Commissioner (Collector) with a view to have smooth functioning in the administration. Then in 1976, Badrud-din Tayabji, under Sadiq's tenure introduced this system in the whole state. But it was implemented when Shiekh
Abdullah came into power. The main objectives of the ‘single-line administration’ are:

1. Making planning more effective of the hopes and aspirations of the common man.

2. Ensuring speedy implementation of the development programmes.

Thus, it was based on District collector Model, that chairs the District Development Board. There was de-concentration of administration into districts with the unique feature of the annual review by the cabinet of district development plans. To make decentralization more effective on the grass-root level, state plan was broken into three tiers i.e.

- Block level
- District level
- State level

However, with the increase in the levels of decentralization, the expectations of the people rose from these boards and resulted in the thinner spread of the resources to various developmental schemes with the result of which, there is a lack of transparency in the operationalisation of these schemes. Hence, hindering the progress of other scheme initiatives. To operationalise this scheme under the government order many initiatives were taken. In a report of the Administrative Reform Commission (ARC) on centre-state relations decentralization of power should be applied to the states according to the work on the projects whether having central interference or acting as an agent of centre. However its final order was drafted by the then chief secretary, Shiekh G. Rasool, in
1993, as “Decentralised Planning System” under the government order dated 3rd September 1993.\textsuperscript{30}

The results were gained from the loophole experiences during these years of “Single-line Administration” in Ladakh division. The main objectives of the system, remained the same but it stressed on decision making process. The two main objectives were:\textsuperscript{31}

I. Decentralization of the authority primarily to lend speed to the developmental programmes,

II. Involvement of the people with the process of development.

District Development Board (DDB) setup was functioning under the same head. However, council of Ministers headed by the chief Minister and accompanied by the chief secretary and heads of the departments undertake the work of the DDB and review the implementation of the developments of the district. Thus, decentralized planning in the states has gone through the checks and balances of the times to emerge as a well-knit result oriented limit and responsible to the needs and aspirations of the common people. Thus, institutional model of decentralization, helps a lot in revolutionizing the administrative ‘Bureumania’, resulting from the red tapism, as devolution of power to district authorities curbs the circumlocution in the process of administration.

To bring such schemes under implementation, the state government established certain units like Project Implementation Unit (PIU), District Rural Development Agencies (DRDA), National Agricultural Banking and Rural Development (NABARD), et al to co-ordinate and supervise the work through
the staff already posted in administration, otherwise it would lead to increase in the bureaucracy thus overshadowing the main aim of such units.

In another committee recommendations, decentralization was to be applied in the central level of secretariat services, by decreasing the number of posts upto section officer.\textsuperscript{32}

Thus, decentralization in Jammu and Kashmir, has crossed all the borders of experimentation and has now evolved in state governmental order, which needs implementation on a large scale by the officials at all levels so that the main purpose to serve the public cannot be formulated on papers only. This reform is of great importance in the administrative development of the state.
References


6. 'Mid-term Appraisal of Nineth Five-Year Plan, Government of India, New Delhi, p-505.


8. op. cit., No.4, p-21.


15. Ibid, p-37.


17. Ibid, p-38.


23. Ibid.


27. Ibid, volume 3-4, p-370.


32. Ibid, p-73.
CHAPTER VI
CONTENTIOUS ISSUES AND SUGGESTIONS

Responsiveness of Civil Servants

Civil servant plays an important role in every field of administration. The government will come to a standstill without a civil servant, K.C. Wheare has nicely depicted bureaucracy as; ‘Parliament without bureaucracy would be halt and lame; and Bureaucracy without parliament would be deaf and blind’.

These are certain contradictions seen by a layman while coming in contact with the working of the government. However, government employees have ways to counter the pressure from the citizens/‘money is essential to accelerate the work’, ‘single visit will hardly suffice’, ‘you must find an agent’, ‘officer is on official tour’. ‘system is insensitive.’

The issues which need importance are categorized into limitless headings. However, their distribution cannot be given any position as it is like ‘Chicken and Hen’ causation.

Administrative Philosophers and Theoreticians

Bureaucracy, depicted as steel frame is still considered so but the concept in the initial periods of existence was based on the feeling that there must be strict adherence to norms and values of the civil servants. In the present scenario, it means that entry to sort-out the problems of a common man is not possible, as one revolves round this frame entangled in laws and regulations for a lifetime. Robson’s concept of government as, ‘we’ and not ‘they’ should be applied in government services.
Indian civil servants when in the initial stage after independence were considered fair and just in their work within the steel frame. Later on with the changing times, this steel frame became the hindrance in the progress of the nation, as political interference and commitment of civil servants to the political parties became the order of the governmental functions. Goodbole an officer-goer is depicted in Mario's Cartoon as being told by the boss, 'Goodbole, when I want your opinion, I shall give it you.'

Thus, ending the initial stage of civil service neutrality and bringing in committed bureaucracy to the limelight. In bringing better governance, decision-makers and policy analysts need expertise. Government plays a crucial role in developing social and physical infra-structure. The system needs an overall awareness of how it has outlived its original rationale and with what effects.

Training projects are given to the administrators through many governmental and non-governmental institutions, but mostly it is attended by the lower officials without the interest of the higher elites. Such training courses should be properly instituted for the administrators at the higher ebbs. In one of the training course in the state of Jammu and Kashmir, at Institute of Management and Public Administration (IMPA), some field officer trainees were asked for suggestions in their respective fields. Their suggestions and issues brought forth can bring useful changes if implemented practically. Resources should be utilized in a proper manner as in the administrative units there is extravagance of power and money while at other places there is scarcity. As resources play an important role in the proper utilization of the materialistic gain, so also the honest and
efficient personnel in the end leads to proper governance. Civil servants while in training must be aware of the problems of the downtrodden. Professionalism should be given preference on the higher posts to enable better delegation of power. Bureaucrats should not be looked only in terms as; 'Live in shadows, work in dark, Dress in Safari suits.'

Elbourne has summarized the duties of top administrators in the following points:

- To interpret the policy of the (organization) Board.
- To issue necessary instructions.
- To approve plans drawn up by subordinates.
- To coordinate related activates.
- To define functions.
- To promote and maintain morale.
- To provide for proper personnel training.
- To supervise the main activities of the organization.
- To account to the board (organization).

Political interference in the transfer of the civil servants hinders the developmental progress. Civil servants can work only for their political bosses. The administrator tries to resist certain pressure from the politicians but at last he has to go with the ministerial orders. Every proposal made by the administrators has to get the approval of the minister concerned. The word meaning of 'administration' itself suggests 'power to lead' but in actual practices, he only holds the office for getting approvals from the ministers concerned. The relation between politician and the administrator needs improvement to amend 'the lacunas in the
governance. Although IAS offices are supposed to have neutral approach they still are better known by their batches or cadres. Internal obstacles like bureaucratic inertia, rigid administrative procedure, lack of professionalism, dichotomy between generalist and specialist are in abundance.

Political Leadership

Improper relations between Administrative Ministries and Finance Ministry needs proper co-ordination to make proper use of resources. Every case of whatever importance has to pass through many departments for its final verdict by the minister. Continuous interference by Ministers and Higher Officials in the work of Lower Level Officials bring hurdles in the smooth functioning of the administration. Public servant should not be lenient enough to be used by politicians for their own personal ends. Every administrator or minister must separate his private interest from the official duties, so that there is no interference of one with the others. There is a need of better coordination between the administrator and the minister for democratic stability of the nation.

Determined Work Span

Civil servants have become the slaves of power at the higher levels of hierarchy. People now have accepted this type of social dominance. They lack the sense of service to society. But overlapping in the work span occurs due to excess of staff with excess of laws and rules to countless number of proper work. Further, unorganized government machinery leads to unplanned hierarchical levels.
Code of ethics have been developed by various states to improve the values and norms of the civil servants. Even the problem of untimely transfers have been avoided by the institutions like Civil Services Boards for certain level officials. However, implementation of this has been done an papers only with the exception of few states. Administrative reforms commission (ARC) was formulated to bring administrative reforms for better governance. In persuasion of this, the commission decided to bring specific recommendations on practical grounds without indulging in theories and principles. Keeping this in view, the report of ARC in 2000, under the Rajasthan government outlined certain basic aspects for consideration-

- Revenue Administration.
- Taxation.
- Transfer Policy.
- Public Grievance.
- Power Sector Reforms.
- Registration and stamps.

The commission undertook the response of the public notice, individual letters, questionnaire and the response of the various government officers. If the recommendations of this report are being implemented in the state of Jammu and Kashmir, the aspects of the administration of the state can bring changes on a large scale. For example, Board of Revenue has been set-up to cut-short the grievance of the revenue administration.

Civil bodies if given strength, will positively affect quality of administration. But commitment of politicians in power counts more than the merit salary structure of the IAS and allied services.
Shah Commission aims at providing remedies for large number of complaints involving the country's entire administrative machinery. It categorized public servants in three broad outlines on the basis of their nature of dealing with complaints viz.

➢ Those who simply act in compliance with the orders or instructions given to them.
➢ Those who carried out the instructions a little zealously than others.
➢ Those who exceeded or misused or abused their powers as authority for securing personal gain or for securing advantage to other individual(s)/organization(s).

The commission has no doubt that commitments to the officials who have shared their comments with the commission would be honored. The action will not be taken by the number or the seriousness of the punitive action taken against persons who had transgressed the law, but by the nature and extent of the remedial and ameliorative actions that follow the labours of the commission.

The levels of bureaucracy are to be cut-short, otherwise, the effects on the administrative reforms will not be effective, as is from the past 10 years. Government shall avoid wastage of time, money and ability on penny-pinching, instead use them for effectiveness of the work. Rules or code of conduct should be strictly followed, under the parliamentary control. Department of Administrative Reforms and Public Grievances has given recommendations to downsize the number of posts in the Departments and Ministries to bring down the number of attached offices and sub-ordinate posts. However, it has not been taken
into account till date, instead there is still increase in the number of departments and their officials at different levels. The number of ministries is so complicated and large that their reorganization becomes important. If we reduce the size of the hierarchy and increase the salary of the rest, there will be decrease in the corruption, as requirements of a person may be met within its accounts.

In the state of Jammu and Kashmir, each department of Secretariat is being allocated the workload. In the allocation of business, each department of the Secretariat shall consist of secretary to government who shall be the official head of the department and of such other officers and servants sub-ordinate to him as the state government may determine provided that:

a) More than one department may be placed in charge of the same secretary.

b) Work of the department may be divided between two or more secretaries.

In the rule for departmental disposal of business, every Monday, the secretary shall submit to the minister in charge statement showing particulars of cases brought in the department by the Minister and Secretary, respectively during the proceeding week. A copy of the said statement shall be simultaneously submitted to the Chief Minister. Finance department shall be consulted before the issue of orders upon all proposals, which affect the finances of the state. All administrative departments shall consult the law department.

In United States the administrators deal with the rule of law, for the betterment of the public in the form of whistle-Blowers
Act. This saves the victimization of the persons committed to suppress the malpractitioners. In the Indian context, those who oppose miscreants have to undergo through the same officials which can bring their cases as either, ‘lost files’ or make ‘cover-up’ till the time of responsiveness comes into practice. Comparative Public Administration was the basic point in the initial stage of growth of public administration. Hence to compare and get results which can be had by comparing our administration with the other administrations, to overcome the flaws in our system.

At times civil servants try to impose their own rulings over the public wishes, creating a shaft between the citizen and administrations.

New Initiatives

Administration needs to build-up a system that brings a proper bond between the administrator, citizen and the government. The private agenda should be merged with the governmental undertakings on the basis of transparency procedures. It is not the policy which is needed for curbing malpractices in administration but, it is the technique of implementation of the reforms which needs change. Improving conditions of personnel administration- recommendation training, placement, performance appraisal, promotion, salary fixation, staffing policies. Environment also plays an important role to bring effectiveness in governance.

An act on new technique of computerization as Information Technology Act, 2000 is given legal recognition. This act provides for transactions carried out by means of electronic data. ‘Electronic Commerce’ involves the use of alternatives to paper-
based methods of communication and storage of information to facilitate electronic filling of documents. This act was enacted by parliament in 51\textsuperscript{st} year of Republic of India.

Indian government was expected to spend $ 800 million in 2001-02 towards e-governance. The governance market is expected to earn $ 6 billion by 2007-08 with a government expenditure of $ 556 million in 2001-02.\textsuperscript{8}

Software Technology Parks of India (STPI) have been established nation-wide to provide 'single-window interface' and Higher Speed Data Communication (HSDC) facility to software exporters.\textsuperscript{9} National Informatics Centre (NIC), was established to facilitate computer support to central government department and states and districts.\textsuperscript{10}

A civil servant should not consider himself to be a 'servant' but a part of society which gets affected by his colleagues or by himself. Hence to make plans for the upliftment of the whole society, himself being part of it. Indian civil servants have to deal with the cases having different subjects. Some are career problems like promotion, professional training, welfare problems like housing, food, accommodation. Different sections of the society like academicians, members of the bar, media, et al. can bring awareness among the masses for their responsibility as a citizen of nation. New techniques for social awareness of administration, policy of 'opens door' should be set-up as the basis to bring proper governance.

Responsive training strategy needs to be developed for in service training. Adopting new policy like annual performance remuneration wherein the best brains at work are to be given advantage. Officials on the official tours may miss the documents
but not the family members, this brings the Indian economy to a back-lap rather than the official purpose of the visit of welfare of the nation. While in the training process, civil servants waste lot of time on the ‘etiquettes’ “handling fork and knife” and the disciplinary rules and regulations. Tours like “Bharat Darshan” though bring close the states but only give a faint idea of national integrity.

The reforms since the independence still wait to be implemented. In the state of Jammu and Kashmir, certain Business Rules for the better departmental business and better governance are being summarized but their circulation in the concerned departments and civil servants remains a question. Civil servants should have a clear role in a democratic country like India. Their special responsibility to protect the weak and fight the vested interest should be given importance. The Code of Conduct and ethics of the civil servants should be made with the points of social hindrance in mind. In U.K. report of the committees on standards in public life under the chairmanship of Lord Nolan, categorized seven basic principles of public life.

-Selflessness, -Integrity, -Objectivity, -Accountability, -Openness, -Honesty, -Leadership.

For improving administrative efficiency, Government of India (GOI) prepared documents on the tables of Lok Sabha and Rajya Sabha in 1961. Main aim of this report was to locate the administrative problems, investigate them by special groups, advise on policy decisions and suggest measures for raising administrative efficiency and standards. Planning commission’s measures for speeding implementation include:
Field responsibility should be given to both department or agency as well as individuals concerned.

Delegation of authority to be strengthened.

More financial control to ministers.

Administration should be action oriented.

O & M division gave certain proposals of planning commission. Some includes:

- Minorities may be experimented with following suggestions if considered appropriate.
- Abolition of sections and organizations of large divisions.
- Pooling of facilities such as typists, clerks, messengers, etc.
- Provision of whole time stenographic assistance to branch officers such as supper secretaries.
- Pre budget scrutiny by Finance Ministry of projects, schemes and other estimates.
- Means should be devised to encourage creative ideas in administration.

To improve relations between administration and public, Planning Commission proposal include measures such as realizing delays, imparting accurate information regarding polices and procedures and curtsy to citizens. O&M division added to the proposal as:

- Heads of Departments should prescribe time limits for disposal of work.

- Special briefing sessions among civil servants dealing with public information counters of public.
In annual reports, heads of departments should analyse community relations problems failing within their fields and should mention action taken in respect of them.

Each head of department should draw up on annual programme in advance showing the types of corruption, categories of personnel involved and measures he intend to take for combating corruption.

To bring them in Indian governance is a must as disputes of Citizen vs Bureaucrat, Politician vs Administrator, Minister vs Secretary and the like must come to an end. However, number of reports and their recommendations since independence suggest for the basic postulates but under different words having the same meaning. The only thing is lack of their implementation.

**Accountability and Transparency Fostering Strategies**

India, although having a rich heritage, vast resources in natural form as well as having technical competence, still is among one of the most corrupt countries which has led it to the brink of poverty. To bring competence in governance, main constituents may include:

- Maintain integrity of the nation.
- Maintain law and order.
- Eradication of illiteracy.
- Improving general health of the people.
- Regional development with technological advancement.
- Social change through enlightened legislation, et-al.
The problem of accountability is because of two reasons:

- management of government and the need to reconcile the sometimes conflicting goals of decisive and effective management with managerial accountability.

- achieve effective political control over the vast apparatus of the bureaucracy through control by ministers and parliamentary scrutiny of the conduct of ministers.

To improve public accountability, ARC made suggestions in five fields viz. Social Service; Economic Administration; Defence and Foreign Affairs; Food and Agriculture and Transport.

Accountability in Administration

The administration at all times needs to be responsible to the people through the proceedings of the law courts and the parliaments via media, in a democratic society. The press plays an important role in safeguarding the fundamentals of democracy and the rule of law. Need for proper vigilance by the press and other media is an important source to bring transparency in the democratic system having accountability at all levels. It must however be ensured that the code of conduct is observed properly, not only by officials who breach laws through malpractices, but also by those whose false complaints are done to harass the honest officers from investigating these frivolous complaints.

In India, the system of 'Nazrana', existed from the ages in the form of money to lower level officials to meet essential needs of their family or in the form of gifts at festivals to higher officials. Hence need arises for public disclosure of assets and income which can easily expose illegal assets of officials. Secrecy in the administration creates a wide shaft between citizen and
administrator relationships. Participation in managing the public services and enforcement of conduct rules with the proper direction and motivation can smash the box of secrets of the administration. In the Hindu theory of the administration of Justice, 'the king is the fountain-head of justice', though Brihaspati says, ' A Brahman is the root of the tree of justice, the sovereign prince is its stem and branches, the minister are its leaves and blossoms; and just government is its fruit'.

A number of studies and suggestions have been made to get rid of administrative lacunas. Public administration needs to gear up with the development of modern trends in economy, people oriented welfare, performance appraisals, technological innovations, cultural-unity in diversity, human rights concern and re-designing of administration. Thorough study should be made in respect of each ministry and departments to assess their procedures and practices. The time taken by the departments or ministries in dealing with their work should be limited, by using refined techniques. Easy access to the administration by using back-door entry or nepotism or favouritism should be made difficult. Scale of the salary is one of the factors responsible for bribery, it needs improvement to provide housing, medical facilities for the government servant and his family with the provision of housing in colonies to promote better results from the civil servants with accountability.

To bring implementation of reform measures possible people participation is one of the important remedies as convincing the people about the importance of programmes planning with people consult local organizations before launching the programmes, respect for ideas, informing the benefits, voluntary commitment to
people, commitment of political parties. This gives rise to people centric responsive administration of efficient people. The BOOT shall form the basis for peoples participation i.e. Built, Own, Operate, Transfer.¹⁶

**Corruption in government**

'Power tends to corrupt and absolute power corrupts absolutely'.¹⁷ Corruption, brings a wide gap between society and administrators. It slows down the growth and brings developmental process to a stand still, corruption which is mostly rampant are due to Treason or smuggling, kleptocracy or stealing, abuse or misuse of funds, non-performance of duties, bribery or graft, tampering with elections, confidential reports/ information, Unauthorized sale; bias and favoritism in decision making, tax-evasion, improper gifts, black-market operations, misuse of official seal.

Corruption varies in all political systems at every level of government. It varies with the change in the psychological, social, political, economical, behavioral environment.

In India, Prevention of Corruption was established in 1941¹⁸ through Delhi Special Police Establishment, but in Hong Kong, Prevention of Corruption Ordinance (POCO) was introduced in 1948. Still, Hong Kong is one of the least corrupt countries and India is one of the most corrupt countries. So, we can implement their pattern as it is also an Asian country having almost same problems to sort-out.

The scandals, which come out of the investigations, indicate loss of money in corrupt practices. In case of the state of Jammu and Kashmir, the Ranbir Canal scandal, Srinagar-Leh road, other
such projects are now being brought to light to bring transparency in governance. Law Department of the state of Jammu and Kashmir formulated a commission as Accountability Commission Act, 2003\textsuperscript{19} to bring accountability in administration.

The passing of the Prevention of Corruption Act in 1947 strengthened the anti-corruption mechanism with respect to government officials. Other measures include the establishment of an administrative vigilance division in the Home Ministry, the appointment of vigilance officers in all ministries and departments and strengthening of DSPE front, to investigate complaints of corruption on the part of civil services and to secure the punishments of those found guilty.\textsuperscript{20}

In central government, administrative corruption is curbed by following institutions.\textsuperscript{21}

1. The Administrative Vigilance Division (AVD)
2. The Central Bureau of Investigation (CBI)
3. The Central Vigilance Commission (CVC)
4. The Chief Vigilance Officers and their staff in Ministries, Departments and Public undertakings.

In 1998, the verdict of the Hong Kong based ‘think tank’ called political and economical risk consultancy, based on its annual survey of businessmen who have been interacting with the bureaucracies of Asian countries was published. On a 10-point scale, the efficiency rank was rated, wherein Singapore rated best and Vietnam worst.
The table given below is quite indicative:

<table>
<thead>
<tr>
<th>Efficiency Rank</th>
<th>Country</th>
<th>Point</th>
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<tbody>
<tr>
<td>1.</td>
<td>Singapore</td>
<td>2.53</td>
</tr>
<tr>
<td>2.</td>
<td>Hong Kong</td>
<td>3.11</td>
</tr>
<tr>
<td>3.</td>
<td>Malaysia</td>
<td>5.43</td>
</tr>
<tr>
<td>4.</td>
<td>Taiwan</td>
<td>6.25</td>
</tr>
<tr>
<td>5.</td>
<td>Japan</td>
<td>6.69</td>
</tr>
<tr>
<td>6.</td>
<td>Thailand</td>
<td>6.88</td>
</tr>
<tr>
<td>7.</td>
<td>Philippines</td>
<td>7.25</td>
</tr>
<tr>
<td>8.</td>
<td>China</td>
<td>7.33</td>
</tr>
<tr>
<td>9.</td>
<td>India</td>
<td>8.00</td>
</tr>
<tr>
<td>10.</td>
<td>Indonesia</td>
<td>8.00</td>
</tr>
<tr>
<td>11.</td>
<td>South Korea</td>
<td>8.27</td>
</tr>
<tr>
<td>12.</td>
<td>Vietnam</td>
<td>9.00</td>
</tr>
</tbody>
</table>

Assessment of Asian Bureaucracies by political and economic risk consultancy, Hong Kong, 1998.

Collision between businessmen, politician and the bureaucracy brings the socio-economic development into limelight. Emphasis on detection, investigation, punishment and prevention can curb corruption. Santhnanam committee reported on the quest for political power at different levels and widespread failure of integrity among ministers.\(^2\)
In the state of Jammu and Kashmir, Supreme court’s verdict in the ministers corruption case was observed as, “A minister holds a public office. His acts are necessarily public acts if they arise out of his office. If they are grave enough, they would be matters of public importance. When it is alleged that a Minister has acquired vast wealth for himself, his relatives and friends, as is done here, by abuse of his official position, there can be no question that the matter is of public importance.

It was said that the object of inquiry was to collect material for the prosecution of Bakshi Ghulam Mohammad and hence, the matters to be inquired into were not of public importance. This contention is, in our view, fallacious. It is of public importance that public men failing in their duty should be called upon to face the consequences. It is certainly a matter of importance to the public that lapses on the part of the ministers should be exposed. The cleanliness of public life in which the public should be vitally interested, must be a matter of public importance. The people are entitled to know whether they have entrusted their affairs to an unworthy man.”

In the code of conduct by ministers on 29th October 1964, Government of India set-up certain rules to curb corruption, disclose details of assets and liabilities to Prime Minister or Chief Minister, furnish annually by 31st March assets and liabilities; stay in accommodations as far as possible in the accommodations belonging to himself or of government; stay in particular house after retirement as number of guards for their security increases with the number of their houses they possess.

Legal reforms can be used, as in the case of the state of Jammu and Kashmir, where representation of people’s act can be
amended to disqualify person found guilty of misconduct by commission of inquiry from contesting elections.

Shah commission gave general observations on curbing corruption. It emphasized on various aspects and principles practiced by the executives. It has also recommended that everything learned from the committee should be disclosed. It emphasized for the effective and objective functioning of the intelligence agencies, their activities and achievements should be suitably overseen and evaluated by responsible teams composed of persons specially selected for their integrity and sense of public duty and functioning independently of the intelligence agencies for the interest of nation and citizens.

Corruption control has certain rules and regulations governed by certain documents.

➢ All India Services (conduct) Rules
➢ All India Service (Displine and Appeal) Rules
➢ Central civil services (conduct) Rules

Hence, appropriate legislation for the cognizance of offence of law and after due process of law for the punishment of those found guilty of corruption is required. Suggestions by an IAS officer for reducing corruption in administration can be briefly summarized as:

1. All responses from the government should be accompanied by reasons for rejecting the request of the citizen so that he can frame his case for appeal, correction or other alternatives.

2. Introduction of complete openness and the total demolition of any wall of Jerico in respect of any matter of public
importance other than matters affecting defence, the safety of the state or the preservation of harmony between various sections of the people.

3. Government must concern itself in future only with such activities as cannot be performed by or transferred to voluntary agencies.

4. Every officer of government or political functionary should be required to declare the assets held by him on the day on which he takes up his position, which should be a public document.

5. Heirs and children incumbents of office or person occupying any position of authority should be judged for appointments, promotions or other purposes by the same criteria and subjected to the same tests as any other person seeking the same benefit.

6. The administration of the service sector should be totally open and left to citizen bodies, as corruption is highest and affects most vulnerable section of the population.

7. Elected representative should be made accountable to local committees formed for each convenient area of operation so that people of all shades of thought and persuasion may be enabled to get benefit.

8. The authority of the centre, the state, municipal bodies, zilla parishads should be delegated to decentralized bodies at all levels down to the village panchayat so that administration at each higher level becomes management by exception and not management by supercession.
9. Preservation of moral values and the instantaneous acceptance of the accountability of men and women in administration and political authority to the supremacy of the moral law.

10. Indiscriminate transfer of officers in Government fuels a suspension of corruption and mal-practice.

In the 38th annual report of CVC a pledge is given which is to be taken every year at the commencement of the Vigilance Awareness week on Sardar Vallabhbhai Patel's birthday on October 31st.

Pledge – We, the public servants of India, do hereby solemnly pledge that we shall continuously strive to bring about integrity and transparency in all spheres of our activities. We also pledge that we shall work unstintingly for eradication of corruption in all spheres of life. We shall remain vigilant and work towards the growth and reputation of the organization. Through our collective efforts we shall bring pride to our organization and provide value-based service to our countrymen. We shall do out duty conscientiously and without fear or favor.

Law in Bringing Transparency

Corruption rules the national polity, it is the weak who suffer from this as they have to work against the tide of leaving honest administrators far away from the normal hegemony of malpractice, hence sharpening of accountability becomes the base of bringing transparency. People are now resigned to bribery as an unjust but unavoidable fact of daily life. Cleaning the corruption is the first step for IAS officers, as they have been politicized as cadets belonging to particular group of politicians. This in turn
leads to a hollow in the state or nation and bring the whole country to a standstill. Power elites are given preference in making their work done smoothly as compared to the common citizen. Escape mechanism adopted by the civil servants causes hindrance in proper functioning of the system. Criminal politician nexus has given rise to criminalisation in the government functionaries.

Political interference in police administration, demoralizes the work of the police officers. National Police Commission has made specific recommendations which need to be implemented like the freedom from political interference needs to be implemented CBI has not been armed with legal powers and the officers of CBI use powers under the DSPE Act 1946, where Special Police Establishment (SPE) can investigate only those offence which are notified U/S3 by central government. The government must seriously consider the feasibility and the desirability of insulating the police from the politics of the country and employing it scrupulously on duties for which alone it is by law intended so that there is better governance. The police and the administration should be given equal importance and every decision be taken with the consent of law and administrator. Even the CBI uses its power only when there is an excessive misuse of power and not in the initial stages of the mal-functioning. This creates a void between the theoretical exposure of public administrators and the law. Inefficiency may result from faulty relation between the two units or within the unit itself.

Hewart has suggested measures for establishment of administrative law as:29
1. Energizing the various consultative committees of members of legislative.

2. Establishment of an independent administrative procedure body to constantly review administrative action.

3. Creation of an Ombudsman type commissioner to investigate complaints against civil service administration.

In the recommendation of mid term appraisal of 5-year plan, Government of India suggested to bring computerization of cases (pending) so that it could be traced. Law maker should posses the quality of courage to take decisions at all levels for all hierarchies of society while undertaking public duties. Civil servants have often to take decisions which may not be to the liking of some people, but the officer-in-charge has to take it in the balanced way according to the truth and reality within the purview of law.

Government does not exist only to provide order, it is one of the complex institutions where social justice is of prime concern. Strict adherance to principle of meritocracy by government of all political parties is cardinal to establishment of a top quality permanent civil service in any truly democratic administration. A revised and stronger code of conduct for all India services to be formulated to improve the relationship between the political neutrality and good governance. People should have faith in administration regardless of political affiliations and criminal -bureaucrat -politician nexus. However at times when the red-tapism becomes unbearable bribery gives one the way to come out of this circumlocution. Need arises to ignite social power to bring in accountability.
In public dealings lack of Transparency is mainly caused due to:\(^{31}\)

- Secret ness or hidden files in government offices.
- System where photocopy of not so important files to be done in gazetter of the concerned except the important ones.

Common practices of bribery and other mal-functioning done by common man include.

- Misappropriation of public money,
- Claiming false Traveling Allowance (TA) and other allowances,
- Possession of disappropriate assets,
- Abuse of official position,
- Acceptance of illegal gratification,
- Misuse of government employees for personal work,
- Irregularities in the reservations,
- Cheating in connection with the sale/purchase,
- Acceptance of sub-standard stores or works.

These common practices are varied in number and need proper moral and social spirits to ward them off from the day-to-day practices, so that the democratic system may work swiftly. In the state of Jammu and Kashmir, certain important issues have been differentiated which need immediate attention by the government as well as common masses. They include:\(^{32}\)

- Regional imbalance and self rule.
- Detection and compensation.
State Central relations

Central projects and other Hydel projects

Grievance redressal cells.

Parliamentary control over the working of ministries and more especially over expenditure is desirable to maintain relations between citizen and administrators. Finance ministry needs to have link with the administrative ministry in order to have proper implementation of schemes and reforms. Government should present the budget annually to parliament on the basis of short term planning for all departments with the knowledge of how they are to be funded whether last years objectives had been successfully met with the expenditure and revenue with the proposals for future government spending.

ARC study team report of 1968 gave certain courses which contribute to the growth of public grievances-

Undefined responsibilities and unsystematic work of the multiple administrative organizations.

Deterioration in standards of staff competence.

Lack of adequate training and knowledge of rules and procedures in the services.

Vigilance Committee for Redressal of Grievances

Technology plays an important role in overcoming corruption. Permanent mechanism like appointment of competent persons with undoubted integrity is the best way to control the inflow and expediate the disposal of long pending cases. Media plays an important role in judiciary and public accountability. Inspection is a must to get things done in a proper order and know
the cause and effect of the problem. By making graphical representation of the performance in the official work, the bureaucratic size can be downsized accordingly. Every department shall give their suggestion to sort out their own problems. These recommendations should be set-up in a committee to be formulated on departmental basis. There the points of conscience shall be considered like-

- Moral values to be boosted.
- Improve job interest techniques.
- Insulate every department from the crisis of other.
- Interference by judiciary in unnecessary ways.
- Work overload.
- Individual made responsible for work.
- Upgrade infrastructure.
- Examples from private companies to be taken.

The ARC in its first report in 1964-65\textsuperscript{34} had recommended about the problem of redressal of special institutions as Lok pal and Lok-Auyktas at the state and centre level. The former is set-up for ministers and secretaries and later for other officials. However, the decision of the government, formulated for the Lokpal to handle cases regarding ministers and secretaries at centre only may be passed to state chief ministers. The Lokayukta is at centre to deal with officials other than Secretaries. This was introduced as bill i.e. ‘The Lokpal and Lok Auykta Bill, 1968’ in May 1968 in Lok Sabha. But has not got the approval.

These institutions are being internationally acclaimed by different names- Ombudsman, Procurator, Censor, Inspectorate,
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Commission of Enquiry, Lokayuktas, et-al. These institutions should possess the characteristics of independence, impartiality, unimpeded access to information and opportunity to report to the legislature or assembly, constitutional status, power to order search and seize, power to send an interim report, need for greater publicity and relevance of these bodies, Ombudsman is thus an institutional device for grievance redressal and securing the administrative justice. Non-Governmental Organisation (NGO’s) play an important role in achieving the key targets of official ethics. Ombudsman, has the main objective of well being of citizens with the preservation of individual liberty and equitable treatment of all citizens by public bureaucracy.

In Indian context the Ombudsman like institution i.e. Lokpal and Lokayuktas lacks institutional accountability. The appointment of its members should be government based but by the high court judges or Supreme Court judges. The recommendations and reports should be made practical and not only paper based. Money making mania should be ended by enforcing accountability and reform measures.

Donald C. Rowat points out the three essential features of the Ombudsman institution. It’s powers are:

1. To investigate
2. To publicize
3. To criticize

Several mechanism like grievance committees, the central vigilance commission, the central bureau of intelligence, the Lok Ayuktas, et-al. have been devised but no perceptible improvement in the situation has been seen in the redressal of grievances. There
has been decline in standards and values with too much motivation in the administrative actions. Law is being used to make onslaughts to the political opponents only to weed them out and acquire power.

Vohra committee under the ministry of Home Affairs suggests to bring under control the activities of the criminal syndicates.\(^{37}\)

In the state of Jammu and Kashmir, Ayyangar Commission of enquiry which was appointed to prove allegations against Bakshi Ghulam Mohammad, on Jan 30\(^{th}\) 1965 set certain recommendations.

On similar grounds Santhanam committee\(^{38}\) referred to examine vigilance units to make them effective. Special Police Establishment (SPE) to improve the working of the police department emphasized on effective laws to expedite the proceedings.

In the report of the ARC study team, on centre-state relation, GOI has established various adhoc committees with specific issues to be taken. It has suggested, ‘only issues of real and national importance need to be taken up there. Others should be settled by conference convened by the ministries concerned, at a lower preferably official level.'\(^{39}\) In ARC report on state administration, 1969, it is recommended that performance report instead of confidential report shall be submitted.\(^{40}\)

In the state of Jammu and Kashmir the present PDP-congress coalition government in their Common Minimum Programme (CMP) has set goals to be accomplished within its tenure. *Objective 12* of this programme suggests for establishment of an
institution, ‘Ehtisab’ for enquiring into complaints received against chief minister or ministers and legislators.\textsuperscript{41}

\textit{Objective 11:} Endeavour to make the selection process to all positions and institutions transparent. \textit{Objective 13} commission for police reform and Special Operation Group (SOG) assimilated/relocated within regular police establishment.

**Decentralization of Power**

Decentralization of power is an important aspect of functional responsibility of administration. Planning the policies at lower level makes the functional aspect of development administration more effective and active. Citizen participation in the administration gives much relief to the administrative function, as social and economic surveys on the local levels increase the efficiency. Many factors count on administration of this form of government having both positive as well as negative aspects. Regarding administrative work undertaken by local groups one needs proper knowledge of these Self Help Groups to decentralize power. Certain issues and suggestion regarding this have been categorized but still lots of fields have been left untouched.

**Local Role**

Decentralization has the role to play at the grass root levels which form the basis of a society of different complexities. The founder of Indian nation had the dream to improve the ground relations with the centre. Decentralization is the term which has the means to end, as the disrupted values by the political and administrative rivalries. It brings the proper utilization of the
public funds and services, at the grass-root levels so that there isn’t any maladministration in the working of the governance.

Decentralisation needs homogeneity of society for better implementation of the developmental activities. States having different sects and castes have to accept the Indian sects as it is with the wide variation over the quality of life. Resulting in the urbanization to the cities for better avenues of life leading to increase in the slums and over crowdedness. Local governments function and structure depends on how the state wants it to be. States have their contributions in making local level administrations worthy of quality services. Various Municipal Committees, Corporations, Notified Area Committees, District Level Bodies have been incorporated for better governance at the lower levels of the local administration. Well defined distribution of power along with the ministry concerned in the integrated form needs to be established.

Local bodies represent the state and embody the authority on the local level. There local authorities form the part of chain of hierarchical order to reach the local level of the administration for the welfare of common masses of the downtrodden areas. Demarcation of power is thus clearly defined.

Corruption practices get more impetus when local officials are left on their own without the proper supervision of the higher officials. Training programmes at village levels for citizens as well as officials at lower levels can bring decentralization to its field of existence. Periodical meetings between lower level officials and central officials can bring co-ordination among the two hierarchical levels. Resource mobilization from lower levels can be done by technological boosts to village level bodies.
Decentralisation if applied at proper time, would be fruitful otherwise it is a burden needing only recommendations without being implemented, resulting in overlapping of rules bringing hindrance in their implementation. Further, the lack of financial resources and experience in organizing lower levels welfare services needs proper set-up and support from the centre.

To avoid favouritism and nepotism at the local level, educational training courses are needed by the lower level administrators. The project like community development needs to be given a boost to make effective the administration. The basic needs which still the administrators at local levels find missing includes electricity, medical facilities, communication, transportation and basic amenities of life.

To overcome incompetent administration, a well-organised local authority and relation between the bureaucrats and the citizens can be the best remedy. Local administration can train the citizens by making them participative in the governance. Various innovative techniques should be used to boost the administrative terminology. Electronic governance (EG) and the Information Technology Act, has placed the administration at the local levels in the modernized or innovative way. The project like CAARD viz. Computer Aided Administration of Regional Development is now being developed for issuing certificates and other land records which took lot of time for completion. The main progress can be had only if the literacy is reached to these levels and makes people fully aware of the facilities of new techniques.

Governance at local levels include the better involvement with the technological innovations and reforming the administration and its services within the framework of the
administrative techniques. Need thus arises for the proper facilities at the grass-root level, as the migration to other cities and towns lead to various malpractices of governance. Politicians in power get seldom time to their constituencies, instead they themselves flee to central areas of cities. Hence to overcome such plans decentralization of power is a must.

Official and Political Interference

Rural people should be given chance for self-fulfilment and expression in what has become a city centred, financially dominated society. The trend-towards the urban centers must be reversed by instituting policies that will make life in the rural areas pleasant, prosperous and attractive. We can't safely allow the cities to drain people from the farms and villages. Rural society must be encouraged in developing the way of life, with its libraries, schools, facilities for amusement and for health, so that it may achieve a dignity worthy of a properly balanced nation.

Efficiency in governance requires the delivery procedure to work in harmony with the different levels of government. Changes in the normal functions are considered already existent because of the environmental factor like population growth. These need not to be institutionalized in the framework of reforms to be made. Adhoc interpretation of the changes done is on the basis of certain factors.

➢ Identify the services.
➢ Strive for consumer satisfaction.
➢ Quality to be satisfactory.

Modernized political and democratic situations to overcome flaws in the lower levels need to be boosted. The politician-
administrator relation is a must for making this possible. Certain alters are needed to bring proper implementation of reform initiatives at the rural level be demarcated properly so that there is a proper difference between national concepts.

Decentralization thus reaches the bottom level of the problems at the grass root levels and makes possible avenues for effective and economical use of land and other sources of income, bringing the height of modernization to the once unreachable concept. As depicted in the Indian history the system of 'zamindari', where higher levels of Kingship still exist, but under the different names. These avoid the developmental schemes to be established at village levels, because of the fear of loosing their Kingship over the illiterate villagers. Rural slums have been the main issue of the problem as, they create havoc in the later reform implementation.

Official interference in the local administration curbs the authenticity of the administrative devolution of power. However, in still other cases it leads one to decentralize the power into various local level officials which help in the progress of the nation on the local levels. Taking into consideration the lower levels and the self-employment schemes on their own, britisher's tried to centralise power, which was one of the reasons of their downfall. Hence too centralized administration leads to administrative inefficiency and local discontent due to varied size and diversity of the country.

Administrative Work Undertaken

Decentralisation has been done on functional and financial matters through Panchayati Raj Institutes (PRIs) and State Finance Commissions. The GOI, has persued a strategy for rural people
belonging to poor sections, as, 'awareness and capacity building', 'transparency and people's participation', 'social audit through gramsabhas'.

Constitutional Amendments of 73rd and 74th has given people's participation much importance. Election to various states have been done. On evaluating reform initiatives of the administration, various issues have been highlighted. For example among the different tiers of village level administration, gram panchayats have been assigned more taxes than the other two tiers. Conflict has arisen in the financial arrays, devolution of power and differentiated development programmes between urban and rural entities. Process of decentralization is in a stage of evolution and needs the co-ordination of the administration at the centre and the state levels.

Many proceedings have been made on the local governance. In 1958, September 13-14, Seminar on Improving City government was held by IIPA, New Delhi. Another on Cabinet System in Municipal Government in 1969, Sept. 15-16, by Indian Institute of Public Administration (IIPA) New Delhi. The proceedings of such seminars have been published by Indian Institute of Public Administration (IIPA) for study on the local levels, but this has only been termed as pedagogical concept, needing implementation on practical grounds.

Cooperative Commonwealth Federation Programme adopted at first National Convention held at Regina, Sask on July 1933 set-up certain policies.

Planning, Socialisation of Finance, Social ownership, Agriculture external trade, Co-operative Institutions, Labour Code, Socialized Health Services, B.N.A. Act, External Relations,

In Chief Secretary's action plan on effective and responsive administration in 1996, local government and decentralization have been considered one of the important issues. In the Masterplan to undertake the developmental work in the capital city, Srinagar of the state of Jammu and Kashmir, vertical and horizontal progress of city municipality was suggested. But the Masterplan made since the years, has not been implemented due to the slackness in the political and administrative operators. However, every time the meeting is being planned for the proposal, there is a change in the government. Hence, the question of implementation of such plans remains.

Moosa Raza Committee recommendations are still to be considered so that there is proper and timely implementation of such reforms. The main issue hence is whether the reform committees once formed may be implemented in future or have to wait for the time, because of being outdated. In the ARC report of 1969, recommendations on centre-state relations were given. Like in Chapter VIII, Decentralisation of Powers in certain areas should be established as-Powers should be delegated to the maximum extent to the states with regard to their work in projects in which the centre is directly interested or which are carried out by them as agents to the central government.

To bring values of good governance various aspects were given remedial suggestions. Enhance confidence building and capability of the states, bring awareness among local people for utilizing IT for better programme implementation and convergence and fusion of programme, policies, initiatives and resources at the
grass-root level. Merging of different departments to one Panchayati Raj Institution is not an easy task. It needs proper training and guidance from the NGO’s and other Institutions to bring accountability and transparency through organized leaderships. Better funding and rewards system at the village level can enhance the performance. Self-employment schemes on the local levels for developing local people can build confidence in the better enhancement of the local level administration.

However, the state of Jammu and Kashmir lags far behind in developments regarding Panchayati Raj levels, as 73rd constitutional Amendment Act, 1992 is not applicable and even the status of District planning committees is not being done in the state. The Municipal Corporation Act, of 2000 is not being implemented even after the 4 years of its formulation.

To bring decentralization at all levels government has appointed many committees whose recommendation must not be overlooked. For example:

➢ Rural Urban relationship committee, under the chairmanship of A.P. Jain in 1966.

➢ Committee to review the existing Administrative Arrangements for Rural development and Poverty alleviation programmes under the chairmanship of G.V.K. Rao, 1985.

➢ Royal commission upon decentralization in India under the Royal sign Manual on 7th Sept. 1907, to enquire into the relations for financial and administrative purposes between Government of India and provincial government and their officials and village organizations and local self government.
Municipal body is the essential part of the government which has to face the common man's burden like health, welfare service, slum control, urbanization, jails, courts, parks, pollution, libraries, electricity, et-al. These cannot be taken for granted.

Municipal Commission S.R. Rao, of Surat set an example of cleaning the city and transforming one of the dirtiest disease infected cities of India into cleanest in the country by setting out certain principles like: setting personal example, getting his officers to streets to see the problems themselves giving financial powers to them which reduced his workload.

Sarkaria Commission has given suggestions and recommendations to see that the statutes and provisions of the constitution does not come in the way of more harmonious relations between centre and states in a federal India. Expenditure of centre and states is 50:50 ratio but finances are given as 70:30 ratio.

Although decentralisation was initiated in 1970's but it is still undergoing implementation problems at all levels. It needs proper operationalisation at the lower levels to make it fruitful.

The Srinagar Municipality Corporation Act,\(^45\) gives a full detail of works to be undertaken by the Municipal Corporation of Sringar, in 23 Chapters. Each chapter deal with various aspects of society, administration and developmental functions, for example in Chapter VIII, taxes and fees are being notified to the specialized areas undertaken by the social groups. Chapter XIII deals with the streets. The problems related to the commonly undertaken problems of the society. Chapter III deals with the functions of the corporation.
In the state of Jammu and Kashmir, Panchayati Bill was produced to provide for the constitution of Halqa Panchayats, Block Development councils and the District Planning and Development Boards and matters connected therewith, whereas, it is expedient to promote and develop Panchayati Raj in the state as an instrument of vigorous local staff government to secure the effective participation of the people in the decision making process and for over-seeing implementation of developmental programme. These four bodies need to be interconnected to meet the local demands of the state and need to meet the demands of the situation.

In this bill the establishment of model towns in the state of Jammu and Kashmir in each block was suggested. In the present coalition government of the state i.e. PDP-congress, the Common Minimum Programme (CMP) set-up has stressed on Decentralisation in its objectives.

- It aims at setting up a state finance commission with a statutory status to ensure development and employment at regional and district levels at all regions of the state (objective 15).

- Panchayati Raj Institutions to be given functional autonomy and adequate financial support (objective 26).

- Effective measures are to be taken to check unplanned and unauthorized growth of towns and cities. Status of corporations is to be given to Jammu and Srinagar. (Objective 29).
Citizen Friendly Approach

Administration, being a part of the system works on the motto on which the society is based. Each part of the institution is set-up on certain basic points or components. Humans, being important components of this administrative system, culture plays its own role in the foundation of liberal democracy to strengthen the administration and put the foundation for liberal democracy through multiculturalism.

Cultural freedom makes this inter-mixing possible leading to greater and stronger bond between nations. This has brought the turning point in the national interests. Every colony after attaining their independent individually is now on the edge of development and to know its existence in the globe. This has been possible through proper planning, dynamic management and having knowledge of the past and future trends. Hence ethics play an important role in developing the basic postulate of democracy wherein minority-majority relation of a nation are both considered. India lags not because of resources and ideologies but only because the implementation is so poor that it brings the nation to a standstill with the low standard of living for a large population.

Fundamental principles must be set-up in the basic life cycle of the society, in order to make a smooth and orderly governance. Indian bureaucracy has the feudal characters which needs to be made more experience oriented rather than only favouritism. The responsibility of ministers should not be abrogated, rather it should be clarified and strengthened. There is a need to formulate ethical norms in all fields of professionalism with the honest zeal to be properly enforced and monitored. Code of conduct may include:
Identifying conflict and having discussion for guiding in decision making.

Defining administrators.

Citizen-administration interaction.

Rules governing administrative processes.

Identify decision making rules.

These code of conduct rules are of large numbers, however no code of ethics and norms are fool proof and must be changed with changing environment. The administrators must themselves be made innovative, perceptive and adaptive to cope with new situations and problems.

To make reforms feasible and sustainable both political and bureaucratic institutions should be reformed simultaneously. Report 2001 of National Human Development has given cumulative effects of the poor quality of governance like:

- Poor management of economies,
- Denial of basic needs,
- Inadequate law and order
- Marginalisation of people on social and other grounds,
- Deterioration of physical environment especially in urban areas.

Commissions and reports have not been only to manage political constraints but also the conflicting pressures of bureaucratic and agency politics within the system. Comparative studies at times can bring out solution to the long pending problems. In private sector managerial skills are undertaken by
inter-linking of different nations and increasing cooperation between cultural variations. Multi National Company (MNC's) and NGO's are based on these skills which has boosted the private sector as compared to government sector.

Various reform measures have been put under the conference of chief secretaries of state/union territories, 1996 to improve the quality of administration. The Dominating issues include:

- Responsive administration accountable to people.
- Civil Services committed to principles enshrined in constitution.
- Clean-up the civil services from within.

Suggestions were categorized in points to make sure of the effective and responsive administration at the centre and state level for socio-economic balance.

**Limelight and Publicity**

Responsibility for the malpractice in the administration could not only be attributed to politician or the administrator or the system of governance but once the blame is accepted by the person himself at any level of society, he can work for upliftment leading to betterment of national interests. In democratic form of government, government leads and the people cooperate. As there is remuneration and rewards for good work so shall there be punishment or suspension to malpractitioners. Implementation of schemes does not need formulation of proposals to agencies to get the rules and regulations followed by the set committees and to wind up the multiplicity of rules. Reform initiatives need strategies to improve government undertaking on the basis of
private concerns like result orientation, emergence of market mechanisms and customers orientation.

Easy accessibility to these schemes and movement of goods through trade should be based on scientific and technological innovation. Absence of proper data hinders the progress of Indian system of governance. Whenever relief was given to the sufferers through these committees, it would get neutralized zero.

Technical assistance through developed countries is being wasted over developing nations either due to lack of proper knowledge or inability to work for development. This needs proper training through institutions like Indian Institute of Technologies (IIT's), Indian Institute of Management (IIM's). The basic foundation of national development is the educated youth who need proper institutional upliftment with easy access and large availability of scientists. This needs proper planning, personnel system, financial support, social partnerships, institutional collaboration, healthy administration, interpersonal relation, political support and other permanent reforms which could last for long instead of dying out after the change of government.

Education and training for whole society free-interaction between people and all branches of people, awareness and knowledge of people's right, et-al. must form the basis of social life. Education needs proper guidance under which every gets education not only through 'Shiksha Abyan' schemes but also by implementing with them technical training through schemes like 'Rastriya computers Saksharta Mission'. To bring such educational and institutional set-ups in limelight there is no proper mode of communication.
Chief Ministers Conference of 1997, initiated various bills and recommendations to be implemented within the time-limits detailed in the schemes set-up accordingly, to bring to limelight the responsive, accountable, transparent and people friendly administration.

The conference resolved that the central and state government should work together on the following themes:

Accountable and citizen-friendly government, transparency and right to information, Improving the performance and integrity of the public services.

The 10 point action plan was to be reviewed half-yearly and meeting of Chief Ministers to review the progress of administration with better governance.

New Initiatives

The essence of good governance lies in the use innovatives techniques like Information Technology (IT) of e-governance, Managerial one like PERT, citizen friendly techniques for empowerment of the weaker and down-trodden society with socio-economic balance government has undertaken many seminars and conferences in this regard. A seminar on ‘Quality in Government’ was organized on 18\textsuperscript{th} Nov. 1999. On similar grounds, ‘Just and Honest government – International Experience’ was held on 7-11 Feb. 2000, New Delhi for capacity building and for quality in government. However the conclusion reached couldn’t get the positive results. In the precision of the said seminar, workshop for ‘Total Quality Management’ (TQM) technique was held on 5-6\textsuperscript{th} June 2000, but to no avail. The concluding remark of the workshop was the view that no single prescription was of any importance as each country has got its own situation to solve the internal
problems. However, to every problem, a solution is there and one must strike it out until a solution to achieve quality in public services is reached.

New initiatives adopted by the constitution like Information Technology Act, 2000 should be designed in state government to undertake governmental jobs and reduce circumlocution of work. It was emphasized to minister of states for Information Technology in the conference on 15 July 2000 in New Delhi, wherein certain rules and regulations for promotion of e-governance, telecommunication, et-al. were given and certain basic recommendations made.

Internet service, brought with it the service like VSAT i.e. very small Aperture Terminal, to bring telemedicine and tele education to far flung residents; SARI i.e. sustainable Access in Rural Internet, a project enabled villagers to get expert medicinal advice from major city hospitals.

E-services to the people are required all-over for considerably shortening the time to get things done and improving overall efficiency in governing. Administrators at all levels need to be aware of the need to equate micro-computers with improvement. It is due to the fact that to train or persuade the top level administrators particularly in local government is difficult to undertake.

Computerization include: ‘benefits to the end-user, establishment communication with users for feedback to sort out problems’. Administrators need to be given training in standard operating system commands as well as interaction with the software packages to be used, so that their skills are used properly. Value of information to decision-makers needs to be considered.
Although in its initial stages of using the basic data is time consuming task which requires additional staff as well as frequent technical 'debugging'. This also needs proper training sessions at regular intervals to cope up with the changing values in the e-governance. Low cost gadgets are made functional in the rural context and address problems satisfactorily. However, usually elites of the rural areas get the benefit of these innovative technologies rather than illiterate villagers. Thus, e-governance shall be given boost by implementing its facilities like National Informatics Centre (NIC) for computer support to central government, State and District levels of government, development of Software Technology Parks of India (STPI) nation-wide for single window interface and higher speed data communication.

**State Services**

Government must reinvent itself and its work to bring coordination among all hierarchies and have flexibility in the circumstances. Many schemes and projects have been initiated like National Rural Employment Programme (NREP), Minimum Need Programme (MNP), Jawahar Rozgar Yojna (JRY) Annapuna Scheme, at the state levels. Charles Kattering, Vice President for research of General Motors Corporation said on singular efforts, 'It would have been remarkable if he had made it with a committee'. It is suggested to form a committee of some experienced persons mostly retired to bring into focus the lacunas and their remedy to the administrative functions. A committee having experienced personnel to be focused in various meetings with the view to bring into light the remedial measures for their respective fields with the in-service heads of the departments concerned and gain from this experiences under the head of the
governor/chief secretary. For example, in the states, chief engineers of the retired posts can share their experience with their concerned posts in power. In the similar way, the educational officer, Election Commissioner, Social Welfare, Finance administrator, et-al. of the different fields can discuss their future on the basis of post experiences and future innovative ideologies.

In a system having vast written documents to govern the loopholes still remain. And to remove such loopholes, further amendments have been made which have been going on till 2000. Amendment Acts reached 83 in number, involving different disciplines of governance. But still there are lacunae in government functionaries and administration.

Dr. Rajandra Prasad said, 'Without a human approach and spirit of service, even the best trained administrator will fail to have a right attitude to the problem, he is called upon to tackle'.

The state of Jammu and Kashmir had to face political corruption along with the political problems right from the day of annexation to India in 1952. This was further strengthened by the politicians and bureaucrats by ill-gotten money, with the rise of militancy. Hence, in Kashmir division politicians and bureaucrats are responsible for paving the way to militancy. Need has arisen to bring J&K state secretariat re-organisation. A major reshuffle in the J&K Secretariat was announced on Nov. 1, by officer on Special Duty (Mr. Mahashwar Prasad).

Winter capital and summer capital takes a lot in transaction as crores are spend on this shifting of office records known as 'Darbar-Move.' Number of files are lost and others have to wait for action. This doesn't benefit the public or government servant or secretariat officers as all of them suffer due to this transaction.
However, in the rest of the country, whenever it was practiced, it has been stopped. One of its remedy can be to set-up head quarters at Srinagar and some other important offices in Jammu.\textsuperscript{54}

With regard to the state of Jammu and Kashmir various committees and reports were set-up but with the passage of time they lost their importance. Like the Moosa Raza Report gave the wide detailed view of the solution to administrative malpractices, but is still not implemented or even this report is not even mentioned in the present PDP-congress coalition government of the state in its 30 point Common Minimum Programme.

The recommendations of the Moosa Raza Committee would be of utility only if they are adopted and implemented with a clear commitment at all levels of the government to make them successful. The committee after discussions gave recommendations regarding.\textsuperscript{55} Mass contact programme; tours; citizens right to information, management of civil service, public Grievance day, et-al.

However, this committee did not get any positive response from the then government. As a general feature of the government it did not point out in its ‘Redeeming pledges in Jammu and Kashmir Turning the Tide’, a booklet published by Information Department that, recommendations of this committee and other committees are being implemented in phased manner-\textsuperscript{56} but there is no phase by which it is made public.

The Common Minimum Programme (CMP) of the PDP-Congress coalition government in the state of Jammu and Kashmir has not given any reference to this reform committee. It may be possible that a new committee to give further recommendation is being formulated, as the previous committees due to time gap have
lost their importance. In the state of Jammu and Kashmir, some issues need urgent attention of government to make citizen administration approach friendly and action oriented.\(^7\) Regional Imbalances and self-rule, unemployment, lack of basic amenities, eradication of corruption, lack of educational and medical facilities, special developmental schemes, media aggression and fundamentalism, central projects and other hydel projects, are the main areas which need urgent attention. The need of the hour is: \(^8\)

- Restoration of democratic institutions in Jammu and Kashmir, as Panchayats and local bodies.
- Holding of elections in free and fair manner in state legislative Assembly, Panchayats and other local bodies.
- Following the rule of law by government agencies.
- Early conclusion of pending criminal trials and setting up of grievance cells at district level.
References


2. Ibid, p-79.


10. Ibid, p-165.


18. C.P. Srivastava, ‘Corruption-India’s Enemy Within’, Macmillan India Ltd., Delhi, 2001, p-34.


20. C.P. Srivastava, op. cit., No. 18, p-34.

22. op. cit., No.18, p-70.

23. op. cit., No.21, p-16.


42. ‘Report of the Core Group on Administrative Reforms in Government’, Department of Administrative Reforms and Public Grievances (Delhi) and Lal Bahadur Shastri National Academy of Administration (Mussorie), New Delhi, May 2002, p-6.
43. 'National Convention on Cooperative Common Wealth Federation Programme', Regina Sask, July 1933.

44. 'ARC: Report of the study team' Centre State relations, Government of India, 1969.


47. op. cit., No.41.


49. ‘Discussion note for the conference of chief secretaries of states/UT's on – An Agenda for effective and Responsive Administration’, Department of Administrative Reforms and Public Grievances, New Delhi, November, 1996.


BIBLIOGRAPHY

Primary Sources

Reports


Administrative reports on the National Academy of Administration, Mussorie 1959.

Administrative reports on the National Academy of Administration, Mussorie, 1960.

Administrative reports on the National Academy of Administration, Mussorie, 1962.


Annual Report 1974-75, Government Of India, Department of Personal and Administrate Reforms, New Delhi.


Bibliography


Documents


Quality Initiative in department of Administration Reforms and Public Grievances, Government Of India,[website of ad.r. and p.gr.].


Discussion note for the conference of chief secretaries of states/UTs – An agenda for effective and responsive administration under department of Administrative reforms and Public Grievances, New Delhi, Nov. 1996.


Government of India Bill, Indian Reprint, Manager of Publications, Delhi, 1935.


Secondary Sources

Books


Ahmad, S. Maqbool & RajaBano, Historical geography of Kashmir, Ariana publishing house, New Delhi, 1984.

Bibliography


Bibliography


Bibliography


Bibliography

Research Papers


Galbraith John Kenneth, "Public Administration and the Public Corporation", 'Civic Affairs', Monthly Journal of Local...


Bibliography

**Year Book and Encyclopedia**


Social Science Encyclopedia, Macmillan, New York.

**News Papers**

The Hindu – Chennai

Hindustan Times – New Delhi

The Indian Express – New Delhi

The Times of India – New Delhi


Greater Kashmir – Srinagar (Kashmir)

Alsafa – Srinagar (Kashmir)

The Srinagar Times – Srinagar (Kashmir)
The Kashmir Times – Jammu

The Statesman – New Delhi

Magazines

Economic and Political Weekly; A. Sameeksha Trust Publications, fortnightly, Mumbai.

Nation and the world, fortnightly, Indian Publication Limited, New Delhi.

The Radical Humanist, April 1997, Vol.61, No.1.

Politics – India, Frank, Free and Fearless, New Delhi.

Frontline, publication of the Hindu, fortnightly, Chennai.


Freedom First, A quarterly of Liberal Ideas, Indian Committee for Cultural freedom, Mumbai.